ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

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ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ	04.03.2021
ಉತ್ತರಿಸಬೇಕಾದವರು	ಮಾನ್ಯ ಅಬಕಾರಿ ಸಚಿವರು

	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	ರಾಜ್ಯದಲ್ಲಿ ಸಿಎಲ್-2, ಸಿಎಲ್-4, ಸಿಎಲ್-6ಎ, ಸಿಎಲ್-7, ಸಿಎಲ್-9, ಸಿಎಲ್-11ಸಿ, ಆರ್ ವಿ ಬಿ ಮತ್ತು ಇತರೆ ಪರವಾನಗಿಗಳನ್ನು ನೀಡಲು ಸರ್ಕಾರವು ಅನುಸರಿಸುತ್ತಿರುವ ಮಾನದಂಡಗಳೇನು: (ಆದೇಶ ಸಹಿತ ಸಂಪೂರ್ಣ ವಿವರ ನೀಡುವುದು)	ವಿವಿಧ ರೀತಿಯ ಪರವಾನಗಿಗಳನ್ನು ನೀಡುವಾಗ ಈ ಕೆಳಕಂಡ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸಲಾಗುತ್ತಿದೆ. 1) **ಸಿಎಲ್-2, ಸಿಎಲ್-4, ಸಿಎಲ್-6ಎ, ಸಿಎಲ್-7, ಸಿಎಲ್-8, ಸಿಎಲ್-9 ಸನ್ನದುಗಳು:** ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ದೇಶಿ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು 1968 ರಡಿಯಲ್ಲಿನ ನಿಯಮಗಳಲ್ಲಿ ಅಗತ್ಯವಾಗಿ ಕಲ್ಪಿಸಬೇಕಾಗಿರುವ ಮೂಲಭೂತ ಸೌಲಭ್ಯಗಳು ಮತ್ತು ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಸನ್ನದುಗಳು (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಡಿ ರೂಪಿಸಿರುವ ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-1 ಮತ್ತು 2** ರಲ್ಲಿ ನೀಡಿದೆ. 2) **ಸಿಎಲ್-4, ಸಿಎಲ್-6ಎ, ಸಿಎಲ್-7, ಸಿಎಲ್-9 ಸನ್ನದುಗಳಿಗೆ ಹೊಂದಿಕೊಂಡಿರುವ ಆರ್‌ವಿಬಿ ಸನ್ನದುಗಳು:** ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಕಾಯಿದೆ 1965 ಮತ್ತು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಚಿಲ್ಲರೆಯಾಗಿ ಬಿಯರ್ ಅನ್ನು ಮಾರಾಟ ಮಾಡುವ ಗುತ್ತಿಗೆ) ನಿಯಮ 1976 ರಡಿಯಲ್ಲಿನ ನಿಯಮಗಳು ಮತ್ತು ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಸನ್ನದುಗಳ ಅಗತ್ಯವಾಗಿ ಕಲ್ಪಿಸಬೇಕಾಗಿರುವ ಮೂಲಭೂತ ಸೌಲಭ್ಯಗಳು ಮತ್ತು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಡಿ ರೂಪಿಸಿರುವ

		ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-3** ರಲ್ಲಿ ನೀಡಿದೆ. 3) **ಮೈಕ್ರೋಬ್ರಿವರಿ ಸನ್ನದುಗಳು:** ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಕಾಯಿದೆ 1965 ಮತ್ತು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಬ್ರೀವರಿ) (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು, 2010 ರಡಿಯ ನಿಯಮಗಳು ಮತ್ತು ಅಗತ್ಯವಾಗಿ ಕಲ್ಪಿಸಬೇಕಾಗಿರುವ ಮೂಲಭೂತ ಸೌಲಭ್ಯಗಳು ಹಾಗೂ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಡಿ ರೂಪಿಸಿರುವ ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-4** ರಲ್ಲಿ ನೀಡಿದೆ. 4) **ವೈನ್ ಟಾವರಿನ್/ವೈನ್ ಬೋಟಿಕ್ ಸನ್ನದುಗಳು:** ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಕಾಯಿದೆ 1965 ಮತ್ತು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಚಿಲ್ಲರೆಯಾಗಿ ವೈನ್‌ನ್ನು ಮಾರಾಟ ಮಾಡುವ ಹಕ್ಕು) ನಿಯಮಗಳು 2008 ರಡಿಯಲ್ಲಿನ ನಿಯಮಗಳು, ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಡಿ ರೂಪಿಸಿರುವ ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-5** ರಲ್ಲಿ ನೀಡಿದೆ. ಮುಂದುವರೆದು, ಈ ಎಲ್ಲಾ ಸನ್ನದುಗಳನ್ನು ಮಂಜೂರು ಮಾಡುವಾಗ ಅರ್ಜಿದಾರರುಗಳು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ದೇಶೀ ಮತ್ತು ವಿದೇಶೀ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968 ರ ನಿಯಮ 4(ಬಿ) ಪ್ರಕಾರ ಮತ್ತು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಬ್ರಿವರಿ) ನಿಯಮಗಳು, 1967 ರ ನಿಯಮ 5(ಬಿ) ರನ್ವಯ ಅನರ್ಹರಾಗದಿರುವ ಬಗ್ಗೆ ಸ್ವಯಂಘೋಷಿತ ಮುಚ್ಚಳಿಕೆಯನ್ನು ಪಡೆಯಲಾಗುತ್ತದೆ. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-6 ಮತ್ತು 7** ರಲ್ಲಿ ನೀಡಿದೆ.

ಆ)	ಒಂದು ಪರವಾನಗಿ ಪಡೆದ ಉದ್ದಿಮೆದಾರರು ಅದೇ ಪರವಾನಗಿಯಡಿಯಲ್ಲಿ ಜಿಲ್ಲೆಯ ಬೇರೆ ಬೇರೆ ಜಾಗಗಳಲ್ಲಿ ಮದ್ಯದಂಗಡಿ ಮತ್ತು ಬಾರ್ ಅಂಡ್ ರೆಸ್ಟೋರೆಂಟ್ ನಡೆಸುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ; ಹಾಗಿದ್ದಲ್ಲಿ ಅವುಗಳ ವಿವರ ನೀಡುವುದು; ಇವರ ವಿರುದ್ಧ ಸರ್ಕಾರ ಕೈಗೊಂಡ ಕ್ರಮಗಳೇನು;(ವಿವರ ನೀಡುವುದು).	ಒಂದು ಸ್ಥಳಕ್ಕೆ ಪರವಾನಗಿ ಪಡೆದು ಮತ್ತೊಂದು ಸ್ಥಳದಲ್ಲಿ ಅದೇ ಪರವಾನಗಿಯಡಿಯಲ್ಲಿ ಮದ್ಯ ವಹಿವಾಟನ್ನು ನಡೆಸಲು ಸರ್ಕಾರವು ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಆಸ್ಪದ ನೀಡುವುದಿಲ್ಲ. ಆದಾಗ್ಯೂ ಬಿ.ಎಸ್ ಅನಿಲ್ ಕುಮಾರ್ ಇವರು ನಂ.4 & 4ಎ, ಖಾತಾ ನಂ.1567, ಹೆಸರಘಟ್ಟ ಮುಖ್ಯರಸ್ತೆ, ಚಿಕ್ಕಸಂದ್ರ ವಿಲೇಜ್, ಬೆಂಗಳೂರು (ಅಂದಿನ ಟಿ.ದಾಸರಹಳ್ಳಿ ವಲಯ) ಇಲ್ಲಿ 2016-17ನೇ ಸಾಲಿಗೆ ಹೊಂದಿದ್ದ ಸಿಎಲ್-9 ಸನ್ನದನ್ನು ಕಟ್ಟಡ ಸಂಖ್ಯೆ: ನಂ.2574, 8ನೇ ಕ್ರಾಸ್, 13ನೇ ಮುಖ್ಯರಸ್ತೆ, ಇ ಬ್ಲಾಕ್, ಸಹಕಾರನಗರ, ಬೆಂಗಳೂರು – 92 ಇಲ್ಲಿಗೆ ಸ್ಥಳಾಂತರಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಸ್ಥಳಾಂತರಗೊಂಡಿದ್ದ ಸ್ಥಳದಲ್ಲಿ ಈ ಮೊದಲು, ಶ್ರೀಮತಿ ಮಂಜುಳ, ಇವರು 2015-16ನೇ ಸಾಲಿಗೆ ಸಿಎಲ್-9 ಹಾಗೂ ಅದಕ್ಕೆ ಹೊಂದಿಕೊಂಡಂತೆ ಆರ್‌ವಿಬಿ ಸನ್ನದನ್ನು ಹೊಂದಿ ವಹಿವಾಟು ನಡೆಸುತ್ತಿದ್ದು, ಸದರಿ ಸನ್ನದು ಕಟ್ಟಡ ಸಂಖ್ಯೆ: 307, 2ನೇ ಮಹಡಿ, ಕೆ.ಪಿ ಸ್ಕ್ವೇರ್, 100 ಅಡಿ ರಸ್ತೆ, ಇಂದಿರಾನಗರ, ಬೆಂಗಳೂರು ಇಲ್ಲಿಗೆ ಸ್ಥಳಾಂತರಗೊಂಡಿರುತ್ತದೆ. ಶ್ರೀಮತಿ ಮಂಜುಳ, ಇವರಿಗೆ ಸೇರಿದ ಸದರಿ ಸನ್ನದು ಸ್ಥಳಾಂತರಗೊಂಡ ನಂತರವೂ ಸಹ, ಅದೇ ಸ್ಥಳಕ್ಕೆ ಸ್ಥಳಾಂತರಗೊಂಡು ಬಂದ ಶ್ರೀ ಅನಿಲ್ ಕುಮಾರ್ ಬಿ.ಎಸ್., ಇವರಿಗೆ ಸೇರಿದ ಸನ್ನದಿನ ಆವರಣದಲ್ಲಿ ಒಟ್ಟು 53.480 ಲೀಟರ್ ಮದ್ಯ ಹಾಗೂ 147.060 ಲೀಟರ್ ಬಿಯರ್ ದಾಸ್ತಾನನ್ನು ಯಾವುದೇ ರಹದಾರಿ ವಗೈರೆಗಳು ಇಲ್ಲದೇ ಹೊಂದಿರುವುದು ಪತ್ತೆಯಾಗಿರುತ್ತದೆ. ಈ ಬಗ್ಗೆ ಪ್ರಕರಣ ದಾಖಲಾಗಿದ್ದು, ಅನಧಿಕೃತ ವೆಂಡರ್‌ಗಳು ಹಾಗೂ ಸನ್ನದುದಾರರಾದ ಬಿ.ಎಸ್. ಅನಿಲ್ ಕುಮಾರ್ ಇವರುಗಳ ವಿರುದ್ಧ ಆರೋಪ ಪಟ್ಟಿ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಪ್ರಕರಣವು ಸಿಸಿ ಸಂಖ್ಯೆ: 10193/2017 ರಂತೆ ಘನ ಸಿಎಂಎಂ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ವಿಚಾರಣೆಗೊಂಡು ದಿನಾಂಕ: 27-01-2021 ರಲ್ಲಿ ಖುಲಾಸೆಯಲ್ಲಿ ಮುಕ್ತಾಯಗೊಂಡಿರುತ್ತದೆ. ಮುಂದುವರಿದಂತೆ ಸದರಿ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಹಿರಿಯ ಸಹಾಯಕ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು, ಸಿಎಂಎಂ ನ್ಯಾಯಾಲಯ ಇವರು ದಿನಾಂಕ: 11-02-2021 ರಂದು ಮಾನ್ಯ ಕಾನೂನು

		ಅಧಿಕಾರಿಗಳು (ಹಿರಿಯ), ಬೆಂಗಳೂರು ನಗರ ವಿಭಾಗ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಬರೆದ ಪತ್ರದಲ್ಲಿ, ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪು ಸಮಂಜಸ ಮತ್ತು ಕಾನೂನು ಸಮ್ಮತವಿದ್ದು, ಪ್ರಕರಣವು ಮೇಲ್ಮನವಿಗೆ ಯೋಗ್ಯವಾಗಿರುವುದಿಲ್ಲವೆಂದು ವರದಿಸಿರುತ್ತಾರೆ. ಒಂದು ಪರವಾನಗಿ ಪಡೆದ ಉದ್ದಿಮೆದಾರರು ಅದೇ ಪರವಾನಗಿಯಡಿಯಲ್ಲಿ ಜಿಲ್ಲೆಯ ಬೇರೆ ಬೇರೆ ಜಾಗಗಳಲ್ಲಿ ಮದ್ಯದಂಗಡಿ ಮತ್ತು ಬಾರ್ ಅಂಡ್ ರೆಸ್ಟೋರೆಂಟ್ ನಡೆಸಲು ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿರುವ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ತಿಳಿಸಿರುವಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿರುತ್ತದೆ. ವಿವರವನ್ನು ಅನುಬಂಧ-8 ರಲ್ಲಿ ನೀಡಲಾಗಿದೆ.
ಇ)	ಸರ್ಕಾರ ನಿಗದಿಪಡಿಸಿರುವ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಪರವಾನಗಿ ಮಂಜೂರು ಮಾಡುತ್ತಿರುವ ಪ್ರಕರಣಗಳು ಹೆಚ್ಚಾಗಿರುವ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ; ಹಾಗಿದ್ದಲ್ಲಿ, ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವ ಪ್ರಕರಣಗಳೆಷ್ಟು ಹಾಗೂ ಸದರಿ ಪ್ರ ಕರಣಗಳ ವಿರುದ್ಧ ಸರ್ಕಾರ ಕೈಗೊಂಡ ಕ್ರಮಗಳೇನು? (ಪ್ರಕರಣವಾರು ವಿವರ ನೀಡುವುದು)	ಸರ್ಕಾರವು ನಿಗದಿಪಡಿಸಿರುವ ನಿಯಮಗಳನ್ನು ಮೀರಿ ಸನ್ನದುಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲಾಗುತ್ತಿಲ್ಲ. ನಿಯಮಾನುಸಾರ ಇರುವ ಪ್ರಸ್ತಾವನೆಗಳನ್ನು ಮಾತ್ರ ಪರಿಶೀಲಿಸಿ ಅಬಕಾರಿ ಆಯುಕ್ತರ ಹಂತದಲ್ಲಿ ಪೂರ್ವಾನುಮತಿ ನೀಡಿ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಹಂತದಲ್ಲಿ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡಲಾಗುತ್ತಿರುತ್ತದೆ. ಸನ್ನದು ಮಂಜೂರು ಮಾಡುವ ಸಮಯದಲ್ಲಿ ನಿಯಮ ಉಲ್ಲಂಘಿಸಿ ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವ ಎಂಟು ಪ್ರಕರಣಗಳು ದಾಖಲಾಗಿದ್ದು, ಸದರಿ ಎಂಟು ಪ್ರಕರಣಗಳ ಪೈಕಿ ಎರಡು ಸನ್ನದುಗಳನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗಿರುತ್ತದೆ ಹಾಗೂ ಉಳಿದ ಪ್ರಸ್ತಾವನೆಗಳಿಗೆ ಸನ್ನದು ಮಂಜೂರಾತಿಯನ್ನು ನೀಡಿರುವುದಿಲ್ಲ ಮತ್ತು ಸರ್ಕಾರ ನಿಗದಿಪಡಿಸಿರುವ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಕೈಗೊಂಡಿರುವ ಕ್ರಮಗಳ ಕುರಿತು **ಅನುಬಂಧ-9** ರಲ್ಲಿ ವಿವರಗಳನ್ನು ನೀಡಿದೆ.

ಆಇ 07 ಇಎಲ್‌ಕ್ಯೂ 2021

(ಕೆ. ಗೋಪಾಲಯ್ಯ)
ಅಬಕಾರಿ ಸಚಿವರು

previously published, as required by sub-section (1) of Section 71 of the said Act in Notification GSR No. 479 in Part IV Section 2C(i) of the Karnataka Gazette, Extraordinary, dated 26th October, 1967, namely.—

1. Title, application and commencement.—(1) These rules may be called the Karnataka Excise (**Sale of Indian and Foreign Liquors) Rules, 1968.**

(2) They shall apply to the sale of Indian liquor [1][x x x x x] and Foreign liquor.

(3) They shall come into force at once.

CASE LAW

Public interest petition filed under Article 32 not entertainable as it is sought to enforce Directive Principles under Article 47.

The writ petition filed under Article 32 of the Constitution is that the policy of prohibition is not being implemented as enjoined by Article 47. The petition is not entertainable. Article 47 of the Constitution, which is part of Directive Principles of State Policy enjoins that the State shall regard the raising of level of the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. Article 47 as in Part IV of the Constitution which contains Directive Principles of State Policy. Article 37 enjoins that the provisions of this part shall not be enforceable by any Court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. It has to be borne in mind that Article 32 of the Constitution gives the Supreme Court the power to enforce rights which are fundamental rights. Fundamental rights are justiciable, Directive Principles are not. Directive Principles are aimed at securing certain values or enforce certain attitudes in the law making and in the administration of law. Directive Principles cannot in the very nature of things be enforced in a Court of law. Whether a law should be made embodying the principles of Directive Principles depends on the legislative will of the legislation. Article 32 is not the machinery through which policy preferences or priorities are determined and Supreme Court is not the forum where the conflicting claims of policies or priorities should be debated. To make the State accept a particular policy, desirable and necessary as the policy might be is not the function of Article 32 of the Constitution. Article 32 is not the nest for all the bees in the bonnet of 'public spirited persons'.— *B. Krishna Bhat v Union of India*, **(1990)3 SCC 65. [Articles 32 and 47]**

To make the State accept a particular policy — Not the function of Article 32.

The petition under Article 32 is that the policy of prohibition is not being implemented as enjoined by Article 47 of the Constitution. Article 47 of the Constitution, which is part of our Directive Principles of State policy

1. The brackets and words "(other than arrack)" omitted by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.

enjoins that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. Article 47 is in Part IV of the Constitution which contains Directive Principles of the State Policy. Article 37 enjoins that the provisions of this part shall not be enforceable by any Court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. It has to be borne in mind that Article 32 of the Constitution gives the Supreme Court the power to enforce rights which are fundamental rights. Fundamental rights are justiciable, directive principles are not. Directive principles are aimed at securing certain values or enforce certain attitudes in the law making and in the administration of law. Directive principles cannot in the very nature of things be enforced in a Court of law. Whether a law should be made embodying the principles of directive principles depends on the legislative will of the legislation. Article 32 is not the machinery through which policy preferences or priorities are determined and this Court is not the forum where the conflicting claims of policies or priorities should be debated. To make the State accept a particular policy, desirable and necessary as the policy might be is not the function of Article 32 of the Constitution. Article 32 of the Constitution is not the nest for all the bees in the bonnet of 'public spirited persons'.— *B. Krishna Bhat v Union of India*, **(1990)3 SCC 65. [Articles 32, 37 and 47 of the Constitution]**

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) **"Act"** means, the Karnataka Excise Act, 1965;

(b) **"Foreign liquor"** means liquor other than Indian liquor;

(c) **"Form"** means a form appended to these rules;

(d) **"Indian liquor"** means all liquor defined as Indian liquor in the Act, [1][x x x x x]

(e) **"Licence"** means a licence issued under these rules;

(f) **"Licensee"** means, a person to whom a licence is issued;

(g) **"Year"** means the year commencing on the first day of July.

3. Licences.—Licences for the vend of [2][Indian Liquor (other than arrack)] or Foreign liquor or both shall be of the following descriptions, namely.—

[3][(1) x x x x

1. The words "other than arrack" omitted by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
2. Substituted for the words "Indian Liquor" by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
3. Clauses (1) and (1-A) omitted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 1-7-2006.

(1-A) x x x x x x.]

(2) **Retail off shop licences for vend of Indian liquor or Foreign or both not to be drunk on the premises.**—Under these licences granted in Form C.L. 2, the sale of liquor in sealed bottles to any person in a quantity less than [1][0.050 litres] at a time is prohibited.

[2][(3) x x x x x x.]

[3][(4) **Licence to clubs.**—The Agent, Secretary or Manager or any other person entrusted with the management of the business of the club shall apply and obtain licence in Form CL-4 from the Deputy Commissioner. The licensee under this clause may open up to four additional counters for serving liquor for the convenience of the members within the licensed premises with the approval of the Deputy Commissioner.

Explanation.—For the purpose of this clause, club means and includes organisation, run by society, a trust registered under relevant Law or a Company registered under Section 25 of the Companies Act, 1956 or Section 8 of the Companies Act, 2013 or other association of individuals, whether incorporated or not with the object of service motive, providing recreation, cultural, sports, gymnasium and service activities of entertainment:

Provided that no such licence under this clause shall be granted by the Deputy Commissioner, unless the following conditions are satisfied.—

(1) the club shall have been registered under the Karnataka Societies Registration Act, 1960 or Indian Trust Act, 1882 or under Section 25 of the Companies Act, 1956 or Section 8 of the Companies Act, 2013 for a period of not less than five years and with not less than 100 permanent members;

(2) It shall have its own land and building or shall have obtained it on lease for a term of eleven years or more;

(3) It shall have facility for outdoor games like Tennis, Badminton, Volley ball *etc.*, and indoor games like Carrom, Table Tennis *etc.*, and a reading room or a library;

(4) It shall have adequate facilities for catering food and drinks to the members; and

(5) It shall have separate toilet with running water facilities for men and women:

Provided further that, existing clubs to whom licences are granted under this clause for the excise year 2001-2002 shall be allowed to renew their licences under the rule existing prior to the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquors) (First Amendment) Rules, 2002:

1. Substituted for the figures and word "0.180 litres" by Notification No. FD 03 PES 2015, dated 28-5-2016, w.e.f. 28-5-2016.
2. Sub-rule (3) omitted by GSR.16, dated 6-2-1990, w.e.f. 6-2-1990.
3. Sub-rule (4) substituted by Notification No. FD 7 PES 2018, dated 20-11-2018, w.e.f. 20-11-2018.

Provided also that existing clubs to whom licences have already been granted but are registered under Section 25 of the Companies Act, 1956 or under Section 8 of the Companies Act, 2013 shall also be allowed to renew their licences.]

(5) **Occasional licences.**—These licences in Form CL-5 are issued for the [1][sale, serve or sale and serving of liquor] at the refreshment stalls in connection with race meetings, public entertainments and other such public gatherings to be drunk on the premises.

(6) **Special licences.**—These licences shall be granted in Form CL-6 by the Deputy Commissioner of the district with the previous sanction of the Excise Commissioner, when the circumstances are such as not to allow of the issue of licences of any of the above descriptions, on such terms and conditions and for such periods, as he may on each occasion determine.

[2][(6-A) **Star Hotel Licences.**—Licences under this clause shall be granted by the Deputy Commissioner in Form 6-A to Star hotels for possession and sale of liquor. The licensees under this clause may serve liquor to the residents in the rooms and open more than one counter for the convenience of the residents and boarders within the licensed premises with the approval of the Deputy Commissioner.

Explanation.—'Star Hotel' means the hotel recognized as such by the Ministry of Tourism, Government of India.]

[3][(7) **Hotel and Boarding House licences.**—

(a) A licence under this clause shall be applied for and obtained in Form CL-7 from the Deputy Commissioner.

(b) No liquor under this licence shall be sold to persons other than those accommodated in the licenced hotel and boarding houses and their guests and casual visitors who take meals in such places.]

[4][Provided that no licence under this clause shall be granted unless the hotel and boarding house is having a minimum of [5][fifteen double rooms] in corporation areas and [6][ten double rooms] in other areas:

Provided further that the licences granted under this clause for the excise year 2001-2002 shall be allowed to renew the licences under the rule existing prior to the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquors) (First Amendment) Rules, 2002:]

1. Substituted for the words "sale of liquor" by Notification No. FD 01 PES 2017, dated 8-6-2017, w.e.f. 8-6-2017.
2. Clause (6-A) inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.
3. Sub-rule (7) substituted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.
4. Provisos inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.
5. Substituted for the words "thirty double rooms" by Notification No. FD 16 PES 2017, dated 5-2-2018, w.e.f. 5-2-2018.
6. Substituted for the words "twenty double rooms" by Notification No. FD 16 PES 2017, dated 5-2-2018, w.e.f. 5-2-2018.

[1][Provided further more that in respect of Hotels and Boarding Houses leased by the Karnataka State Tourism Development Corporation to private persons, firm or companies on renovate, operate, maintain and transfer (ROMT) basis, while granting or renewing the licenses under this clause, the Excise Commissioner may relax the condition regarding the minimum requirement of [2][fifteen double rooms] in Corporation areas and [3][ten double rooms] in other areas.]

[4][(7-A) **Tourist Hotel Licences.**—These licences may be granted to Tourist Hotels situated in places other than Cities and managed by the Tourist Development Corporation of the State Government or the Central Government for the possession and sale of Indian liquor (other than arrack) or Foreign liquor or both for supply to residents or for removal to their private rooms in the Tourist Hotel in which tourists stay or to regular boarders for consumption within a specified area in the licenced premises of the tourist hotel or boarding house set apart by the management for the purpose and approved by the Deputy Commissioner of the District in Form No.CL-14 on such terms and conditions as may be specified in the licence and on such other conditions as the Excise Commissioner may from time to time, specify.]

[5][(7-B) **Tourist Hotel Beer Bar Licences.**—These licences may be granted to Tourist Hotels [6][x x x x x] managed by the Tourism Development Corporation of the State Government or Government or Central Government for the possession and sale of beer for supply to residents or for removal to their private rooms in the Tourist Hotel in which tourists stay or to regular boarders for consumption within a specified area in the licenced premises of the tourist hotel or boarding house set apart by the management for the purpose and approved by the Deputy Commissioner of the District in Form CL-15, on such terms and conditions, as may be specified in the licence and on such other conditions as the Excise Commissioner may, from time to time, specify.]

[7][(7-C) **Licence to supply liquor on Board of Train engaged and run by Tourism Development Corporation of State Government or Central Government.**—(a) A licence under this rule may be granted to the Tourism Development Corporation of State Government or Central Government in Form CL-7C by the Deputy Commissioner, Bangalore Urban District, with the prior sanction of the Excise Commissioner for possession and sale of Indian liquor or foreign liquor or both for supply to the *bona fide* travelers

1. Third proviso inserted by Notification No. FD 2 PES 2004, dated 3-2-2004, w.e.f. 3-2-2004.
2. Substituted for the words "thirty double rooms" by Notification No. FD 16 PES 2017, dated 5-2-2018, w.e.f. 5-2-2018
3. Substituted for the words "twenty double rooms" by Notification No. FD 16 PES 2017, dated 5-2-2018, w.e.f. 5-2-2018
4. Sub-rule (7-A) inserted by GSR 159, dated 19-6-1973, w.e.f. 28-6-1973.
5. Sub-rule (7-B) inserted by GSR 35, dated 6-2-1981, w.e.f. 6-2-1981.
6. The words "situated in places other than cities" omitted by GSR 121, dated 11-5-1981, w.e.f. 13-5-1981.
7. Sub-rule (7-C) inserted by Notification No. FD 01 PES 2008, dated 25-3-2008, w.e.f. 25-3-2008.

traveling in the trains engaged and run by the Tourism Development Corporation of the State Government or Central Government for consumption of liquor within the train during its stay in the limits of the Karnataka State subject to the conditions specified therein the licence.

(b) While applying for licence under this clause, the applicant shall submit application along with the fee specified in Rule 8 and due permission and No Objection Certificate granted by the competent Indian Railway Authorities to serve liquor on board of the train.]

[1][*(7-D) Hotel and Boarding House Licenses owned by the person belonging to Scheduled Castes and Scheduled Tribes.*—

(a) A licence under this clause shall be applied for and obtained in Form CL-7D from the Deputy Commissioner;

(b) No liquor under this license shall be sold to persons other than those accommodated in the licensed hotel and boarding houses and their guests and casual visitors who take meals in such places:

Provided that no licence under this clause shall be granted unless the hotel and boarding house is having a minimum of fifteen double rooms in Corporation areas and ten double rooms in other areas.]

(8) **Military Canteen Licences.**—These licences may be granted to military canteens for sale of [2][Indian Liquor (other than arrack)] or Foreign liquor or both to the members of the armed forces for their use only and shall be in Form CL-8.

[3][(8-A) **Military Canteen Stores Bonded Warehouse Licence.**—A licence under this clause shall be in Form CL-8-A and shall be granted by the Excise Commissioner, to establish a military canteen stores bonded warehouse, to import, export and store Indian made liquor (other than arrack) or foreign liquor without payment of excise duty. The licensee shall supply or sell the above liquor only after payment of excise duty to other military canteen stores within the State having CL-8 licence.]

[4][(8-B) **Border Security Force or Para Military Forces Licences.**—Licences may be granted in Form CL-8-B to Border Security Forces or Para Military Units for sale of Indian Liquor (other than arrack) or Foreign Liquor or both to the members of Border Security Force or Para Military Units for their personal consumption.]

[5][(9) **Refreshment Room (Bar) Licence.**—

1. Sub-rule (7-D) as inserted by Notification No. FD 14 PES 2013, dated 9-6-2014, w.e.f. 9-6-2014 again omitted by Notification No. FD 02 (2) PES 2019, dated 17-12-2019, w.e.f. 18-12-2019.
2. Substituted for the words "Indian liquor" by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
3. Sub-rule (8-A) inserted by GSR 152, dated 24-6-1988, w.e.f. 1-7-1988.
4. Sub-rule (8-B) inserted by Notification No. FD 12 PES 95(iv), dated 29-6-1996, w.e.f. 29-6-1996.
5. Sub-rule (9) substituted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.

(a) A licence under this clause, for refreshment room (bar) for sale of Indian liquor combined with the supply of meals or eatables shall be applied and obtained in Form CL-9 from the Deputy Commissioner:

Provided that no such licence shall be granted by the Deputy Commissioner unless he is satisfied that the refreshment room (bar) provided the following accommodations and facilities.—

[1][(i) a kitchen with sufficient accommodation either with exhaust fan or proper ventilator. The customers shall not pass through kitchen to go the toilet. Passage to the toilet shall be separate from the kitchen;

(ii) a separate room (Dining Hall) for serving the liquor alongwith meals or eatables for consumption. The space in the dining shall be so provided that not more than eight persons shall be accommodated in a built in floor area of 100 Sq. ft. (10x10) with a minimum of four feet space between the tables for the movement of customers and servers. Further, the total area of the Hall/Halls for dining shall not be less than 400 Sq. ft:

Provided that the minimum requirement of 400 Sq. ft, area for dining may be relaxed by the Deputy Commissioner of Excise in case of the licences existing on the dates of the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquor) (Amendment) Rules, 1993:

Provided further that in case the licensee desired to shift the licensed premises to any other premises from the premises in which the licence is existing on the date of the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquor) (Amendment) Rules, 1993, the above provisions shall apply without any relaxation.]

(iii) adequate seating arrangements;

(iv) separate toilet with running water facilities for men and women.

(b) No sale of liquor for removal from the premises shall be permitted under the licence. No liquor shall be sold to persons who have not part taken of meals or eatables served in the licenced premises:]

[2][Provided that no licence under this sub-rule shall be granted in any predominantly residential area.]

(10) **Auctioner's licences.**—(a) These licences shall be in Form CL-10 and shall be applied for and obtained from the Deputy Commissioner of the District.

1. Items (i) and (ii) substituted by GSR 74, dated 15-4-1993, w.e.f. 1-7-1993.
2. Proviso inserted by GSR 74, dated 15-4-1993, w.e.f. 1-7-1993.

(b) The licencee may be give sample bottles in respect of all consignments whether trade consignments or the property of private persons, in order that intending purchasers may have the opportunity of testing high class wines or spirits at their own houses before the auction sale.

(c) The licensee is authorised to sell the [1][Indian liquor (other than arrack)] or foreign liquor or both in less quantities than whole dozens of each description in the case of sales by auction of the property of private parties or estates, or of trade consignments which are alleged or otherwise unmerchantable.

(d) The licensee is authorised to sell by auction at places specified in the licence.

[2][(11) **Distributor licence.**—(a) A licence under this clause shall be granted by the Excise Commissioner for the whole of the State or any part thereof to deal in the products of all distilleries or breweries or wineries in the State or to import liquor from outside the State for the purpose of distribution or sale within the State or part thereof or to export liquor outside the State. The licensee shall establish such number of depots in different parts of the State, as the Excise Commissioner may specify in this behalf.

(b) The licence under this clause shall be issued only to such company owned or controlled by the State Government as it may specify.

(c) The licence shall be in Form CL-11 and shall be subject to renewal each year at the discretion of the Excise Commissioner.

(d) The Excise Commissioner may also permit the licensee to sell foreign liquor imported from outside India.]

[3][(11-A) **Distributor licence to sell foreign liquor.**—(1) A licence shall be granted by the Excise Commissioner for the whole of the State or any part thereof to directly import foreign liquor from outside India or to import foreign liquor from other authorised agencies outside the State of Karnataka but within India for the purpose of distribution of sale within the State of Karnataka, as the case may be.

(2) The licence under this clause shall be issued only to such company owned or controlled by the State Government and which possesses an authorisation or import licence granted by the Government of India to import foreign liquor as specified by the Government.

(3) The licence shall be in Form CL-11A and shall be subject to renewal each year at the discretion of the Excise Commissioner.]

1. Substituted for the words "Indian Liquor" by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
2. Sub-rule (11) substituted by Notification No. FD 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.
3. Clause (11-A) inserted by Notification No. FD 15 PES 2001, dated 4-7-2001, w.e.f. 1-7-2001.

[1][(11-B) **Licence to sell confiscated liquor.**—(1) A licence under this clause in Form CL-11B shall be granted by the Deputy Commissioner, only to such companies owned or controlled by the State Government and specified by the Government for possession and to sell in retail to any person of the liquor seized or confiscated under the Karnataka Excise Act, 1965 and Rules framed thereunder and found fit for human consumption.]

[2][(11-C) **Retail shop licence issued to Government Companies.**—(1) Notwithstanding anything contained in Rule 12, a licence under this clause in Form CL(11-C) shall be granted by the Deputy Commissioner, only to such companies owned or controlled by the State Government and specified by the Government, for possession and sale of liquor in retail shops with a condition that such shops shall be exclusively maintained by them and shall not be transferred and sub-leased to others. Consumption of liquor within the licensed premised shall not be allowed under this category of licences.]

[3][(12) **Licence for retail sale of bottled toddy.**—Licence for the retail sale of bottled toddy may be granted with the previous sanction of the Excise Commissioner in Form CL-12 by the Deputy Commissioner of the District, on payment of the licence fee specified in Rule 8 and on such terms and conditions as may be specified in the licence and on such other conditions as the Excise Commissioner may, from time to time, specify.

[4][(13) **Arrack depot licence.**—The Deputy Commissioner may, with the previous sanction of the Excise Commissioner, grant arrack depot licence in Form CL-13, to a person who has obtained a lease of the right of retail vend of arrack for storage of bottled arrack of the approved sizes affixed with excise lables obtained from the licensed warehouse or Depot, on payment of fee specified in Rule 8, subject to the terms and conditions specified in the licence and on such other conditions as the Excise Commissioner, may specify from time to time.]]

[5][(14) **Licence for running duty-free shop at International Airport.**—Licence for retail sale of foreign liquor to *bona fide* International Air Passengers transiting the [6][x x x] International Airport who are required to wait at the airport transit lounge reserved for such passenger before resuming their journey shall be granted with the prior sanction of the Excise Commissioner in Form CL-16 by the Deputy Commissioner of the District on payment of fee as specified in Rule 8 and as such terms and conditions as the Excise Commissioner may specify from time to time.]

1. Clause (11-B) omitted by Notification No. FD 06 PES 2011, dated 1-8-2014, w.e.f. 1-8-2014.
2. Clause (11-C) inserted by Notification No. FD 14 PES 2003(i), dated 30-6-2003, w.e.f. 1-7-2003.
3. Sub-rules (12) and (13) inserted by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
4. Sub-rule (13) omitted by Notification No. FD 06 PES 2011, dated 1-8-2014, w.e.f. 1-8-2014.
5. Sub-rule (14) inserted by Notification No. FD 2 PES 2001, dated 22-2-2001, w.e.f. 22-2-2001.
6. The word "Bangalore" omitted by Notification No. FD 3 PES 2008, dated 22-11-2008, w.e.f. 22-11-2008.

[1][(15) **Refreshment Room (Bar) Licence at International Airport.**—Licence under this clause, for refreshment room (bar) for sale of Foreign Liquor or Indian Liquor or both, combined with supply of meals or eatables in.—

(a) an area common for the domestic and international air passengers and *bona fide* users shall be granted in Form CL-17; and

(b) an area exclusively meant for international air passengers shall be granted in Form CL-18;

of an international airport, by the Deputy Commissioner of the District concerned on payment of a fee as specified in Rule 8 and on such terms and conditions as the Excise Commissioner may specify from time to time.]

CASE LAW

R. 3 — Standing Circular No. 141, Para 3(c) — C.L. 2 Licence holder to purchase only from C.L. 1 Licence holder of his district; not permissible to puchase from C.L. 1 Licence Holder outside the district — Explained. — *Bhagyalakshmi Wines Stores and Another v State of Karnataka and Others*, **1989(3) Kar. L.J. 326.**

R. 3(2) — As amended by Karnataka Excise (Sale of Indian and Foreign Liquors) (Amendment) Rules, 1997 — Distributor licence — Amendment liberalising grant of — Provision restricting distributorship to company owned or controlled by State Government, validity of which has been upheld by Apex Court, sought to be diluted and water down by making amendment, permitting appointment of more than one distributor for distillery, brewery or winery either for whole or part of State — Amendment made to nullify effect of judgment of Apex Court is liable to be quashed.

R.P. Sethi, CJ. and A.M. Farooq, J., Held: In the instant case while upholding the validity of 1989 rules, the Supreme Court rejected all the pleas of the manufacturers and distilleries of the IMFL which have been now made a basis for repealing of the 1989 rules. Upholding the validity of the impugned rules would amount to setting aside of the Apex Court judgment in *Khoday Distilleries* case. What the distilleries and manufacturers of liquor could not achieve in a Court of law, they have clandestinely succeeded to obtain by virtue of the impugned rules. The impugned rules if permitted to remain on the statute book would not only be contrary to the directions of the Supreme Court but would be a negation of the rule of law. The impugned rules have not been referred to any reasonable basis or justification. The impugned rules are not only unconstitutional, illegal, *mala fide*, initiated at the instance of the manufacturers and distilleries of IMFL is conspiracy with some bureaucrats but also against the general public interest resulting in huge losses not only to the State Exchequer but to MSIL, admittedly a public undertaking and a Government Company. — *K.V. Amarnath and Another v State of Karnataka and Others*, **1998(5) Kar. L.J. 62D (DB).**

Rule 3(2) — Constitution of India, Articles 226 and 227 — Allegation of selling spurious and adulterated liquors made against licensee — Suspension

1. Sub-rule (15) inserted by Notification No. FD 3 PES 2008, dated 22-11-2008, w.e.f. 22-11-2008.

of licence in Form CL-2 pending enquiry into — Writ petition challenging order of suspension of licence on ground that opinion formed by Deputy Commissioner that licensee was in possession of spurious and adulterated liquor was without basis as the report of chemical analyst does not disclose anything harmful to consumers in liquor alleged to be spurious and adulterated, seized from licensee — However, in view of fact that opinion formed by authority for suspending licence is based on *prima facie* material and it for that authority to take note of Chemical Analyst's report at time of enquiry, matter is not one to be interfered with in exercise of judicial review — Direction, however, lies to authority to complete enquiry within two months.

B.S. Patil, J., Held: This is not a case of cancellation of licence, but of suspension of the licence pending enquiry. The opinion formed by the Deputy Commissioner, as is evident from the impugned order, is based on *prima facie* material placed before him. What is the effect of the report of the Chemical Analyst, is a matter to be taken note of at the time of enquiry. Therefore, the writ petition is dismissed. . . . . . However, in view of the petitioner apprehending that the disposal of the case may get delayed before the Deputy Commissioner, I deem it appropriate to direct the Deputy Commissioner to conduct necessary enquiry and complete the same within a period of two months from the date of receipt of a copy of this order. — *Smt. Lalithamma v State of Karnataka and Others*, **2010(1) Kar. L.J. 669.**

Rule 3(2) — Constitution of India, Articles 226 and 227 — Retail shop licence — Breach of terms and conditions of — Cancellation of licence for — Concurrent finding of fact by three authorities, *viz.*, Deputy Commissioner (Excise), Commissioner of Excise and Tribunal, that illicit liquors were manufactured and smuggled liquors were sold by servants of licensee in licensed premises — Whether to compound offence or to cancel licence is matter of discretion of authority — Where authority has chosen to cancel licence on basis of such finding, decision of authority cannot be interfered with in exercise of writ jurisdiction.

It reveals from the specific finding given by the Commissioner of Excise that it is a fact that the duplicate liquor and the non-duty paid liquor were found in the storeroom belonging to the CL-2 licensed premises. Therefore, to make a distinction that the same was few metres away from the licensed premises does not hold much water. Whether to compound the offence or cancel the licence is the subjective satisfaction of the Deputy Commissioner who is the licensing authority has passed a well-considered order dismissing the appeal filed by the petitioner. The Karnataka Appellate Tribunal also dismissed the appeal holding that as per Section 29, it is very much evident that if any of the servants who is acting on behalf of the licensee either with his express or implied permission, then also the licence is liable to be cancelled or suspended. Therefore, it cannot be held that the servants are responsible for the crime and not the licensee. Section 29(b) of the Karnataka Excise Act gives sufficient powers to the licensing authority to cancel the licence for breach of licence condition. Once the Competent Authorities have recorded a concurrent finding of fact, this Court cannot exercise its

extraordinary jurisdiction under Article 226 of the Constitution of India. At one stage, the petitioner herself has admitted in unequivocal terms in writing that her servant has committed a mistake and she is ready to pay the penalty and the value of the commodity seized. Thereafter, she changed her version in the objections filed to the show-cause notice. . . . Having regard to the facts and circumstances of the case there is no error of law or material irregularity in the impugned orders. — *Smt. Jayamma v The Commissioner of Excise in Karnataka, Bangalore and Others*, 2003(5) Kar. L.J. 272.

Rule 3(7-D) — Karnataka Excise Licences (General Conditions) Rules, 1967, Rule 5 — Constitution of India, Articles 226, 227, 14 and 47 — Impugned sub-rule (7-D) of Rules 1968 providing for concessions, reservations to Scheduled Castes and Scheduled Tribes Category of persons, in liquor trade — Petition questioning the vires and validity of such Government Policy — Invidious classification — Held, no evidence statistics or data based on research or study, for forming a reasonable opinion to enact such policy of reservation, produced by the State — Policy giving privilege or extra advantage in liquor trade — Undisputedly amounts to *res extra commercium* — No privilege, fundamental right or protection could be claimed as a matter of right by such category of persons — Impugned rules are also violative, in letter and spirit of State policy, contained in Directive Principles under Article 47 — Further, being contrary to Rule 5 of the Rules 1967 enacted by State Government itself — Therefore, the policy creates an invidious classification between persons engaged in the trade — Liable to be struck down as violative of Article 14.

[Writ Petition No. 19788 of 2015 (Excise), DD: 22-7-2016] *B. Govindraj Hegde v State of Karnataka and Others*, **2016(6) Kar. L.J. 76A.**

Rule 3(7-D) — *Locus standi* of petitioner to question the vires of — Held, the petitioner-Secretary of Federation of Wine Merchants, is in liquor trade itself — Also knowing ins and outs of business — Is in fact, a better position to support such a challenge, rather than simply a stranger or a public spirited person — Therefore, has a right to represent Federation.

[Writ Petition No. 19788 of 2015 (Excise), DD: 22-7-2016] *B. Govindraj Hegde v State of Karnataka and Others*, **2016(6) Kar. L.J. 76C.**

Rule 3(9) — Bar licence — Cancellation for unauthorised transfer of — Transfer involves parting with ownership of business of running bar for which licence was granted, and transfer becomes unauthorised attracting penalty of cancellation of licence, only if transfer has been effected without previous permission of designated authority and without payment of requisite transfer fee — Act does not contemplate that licensee must himself run bar by being present on premises all time — He is not prohibited from managing business through servant or agent — Power of attorney simpliciter granted to agent to manage business does not amount to transfer of business to agent — Unless there is finding that licensee has divested himself of ownership of business, licence cannot be cancelled — Cancellation of licence in absence of such finding, held, amounts to wrongfully preventing licensee from carrying on her business.

Rule 17 of the Karnataka Excise Licences (General Conditions) Rules, 1967 provides that the right of retail vend of liquor shall not be transferred by the licensee except with the previous permission of the Deputy Commissioner. Rule 17-A provides that in the event of death of the licensee during the currency of the licence, the Deputy Commissioner may, on an application by the legal heirs of the deceased with the previous sanction of the Excise Commissioner, transfer the licence in their favour. Rule 17-B provides for transfer of licences. It provides that in regard to licences issued for sale of Indian liquor or foreign liquor or both, in Form No. CL-1 or CL-2 or CL-7 or CL-9 under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968, the Deputy Commissioner may on an application by the licensee and subject to payment of transfer fee equivalent to the annual licence fee specified and with the prior approval of the Excise Commissioner, transfer such licence in favour of any person named by such licence, if such person is eligible for grant of a licence. . . . . The State has the exclusive privilege and right of manufacturing and selling intoxicating liquor. Grant of a CL-9 licence is a privilege or permission granted by the State to the licensee to sell liquor in the manner prescribed in the licence. Parting with the possession and control of the business covered by the CL-9 licence would amount to transfer of such privilege and licence and such an act without the permission of the licensing authority, will be illegal and violative of the terms of licence. But, if the licensee retains possession and control, but only authorises a servant or an agent to manage the business on his behalf, there is no illegality or infringement of the conditions of licence. In fact clauses (b) and (c) of sub-section (1) of Section 29 contemplate the business of a licensee being run by any agent or servant with the express or implied permission or authority of the licensee. . . . . A general power of attorney is executed as a matter of convenience. By executing such a power of attorney, the executant [principal] provides for management of his affairs/business/properties, by the agent. A power of attorney is normally executed when the executant is not personally able to attend to his affairs/business due to absence or due to incapacity or other preoccupation. The acts of the agent are binding on the principal. In spite of the absence of the principal (executant) granting the power of attorney, the possession and control of the affairs/business remain with the principal. A general power of attorney granted to an Agent to manage the business of the principal does not create any right, title or interest in the asset or business which is the subject-matter of the power of attorney, in favour of the attorney holder. Power of attorney is revocable at the will and pleasure of the principal. In short, under a general power of attorney simpliciter [either general or special], there is a mere authority to act, unaccompanied by any interest of the agent in the subject-matter of the power of attorney. A common example of such power of attorney is what is granted by a member of family, to another family member to run/manage the business/affairs of the grantor. . . . . When companies and firms can apply and obtain licences and run the business through their authorised agents or employees, there is nothing *per se* objectionable about a person giving a general power of attorney to his family member or friend, or an employee, to run a Bar and Restaurant. A company or firm or individual may own a chain

of Restaurants all over the country or State and may grant a power of attorney to an agent/employee to look after the day-to-day management and to apply for licence every year. Mere execution of a power of attorney by the licensee to a family member or employee or friend, cannot lead to suspension or cancellation of the licence or refusal to grant or renew the licence. . . . . Thus, only if it is established that the possession and control of the licensed business has been transferred to someone else, or that the licensee has not retained any control over the licensed business, or where there is a transfer of licence without permission, the licence will be liable to be cancelled. On the other hand, if the licensee continues to have control of the licensed business, but runs the business through a servant or an authorised agent, (that is attorney holder) then there is no violation of the terms and conditions of licence, irrespective of whether the licensee lives in the city/place where the business premises is situated. The question of cancellation of the licence will not arise, in such a case. . . . . In this case, there is no finding that the licensee petitioner has parted with the possession of the licensed premises or the control of the business to anyone else, in particular to the power of attorney holder. Nor has the licence been transferred by the petitioner to anyone else. The power of attorney was granted to a family member, even prior to the date of the licence being transferred from the name of the petitioner's mother to the petitioner. The petitioner obtained transfer of the licence from the name of her mother to her name by making an application through the said power of attorney holder. Grant of a power of attorney by a licensee to a family member, to manage the affairs or business of the licensee, cannot be considered as parting with the possession or transferring the control or transferring the licence to someone else. The third respondent has completely overlooked this aspect of the matter and has misconstrued the observations of this Court in *Mahabala's* case. . . . . Hence, the petition is allowed. Consequently, the petitioner will be entitled to continue her business. She will also be entitled to claim appropriate refund of licence fee in regard to the period during which she has been wrongfully prevented from carrying on the business by the impugned order. — *Geetha v State of Karnataka and Others*, 2000(2) Kar. L.J. 383.

Rule 3(9)(a) and 3(9)(b) — Powers of Corporator — On his representation — Liquor shop was ordered to be shifted — Such orders challenged — Both the Excise Authorities rejected plea of petitioner. — Held, appeal is remanded to the Excise Commissioner and stayed impugned order found at Annexure-J.

B.S. Patil, J., Held: The Deputy Commissioner of Excise, had passed an order permitting the petitioner to shift to the present place imposing a condition that in case any objections were to be raised, the order permitting shifting was liable to be recalled. Accordingly, petitioner moved to the present premises. Respondent 3 herein who is a local Corporator insisted that the petitioner should occupy some other premises. Objections were also raised by the members of the public. A report of the Deputy Superintendent of Police was obtained. Based on the same, Annexure-J — order came to be passed holding that the petitioner has to shift the shop to another suitable

building, in view of the public nuisance likely to be caused and in the interest of public peace...... It is thus clear that the Tribunal has misdirected itself in interpreting Rule 5 of the Karnataka Excise Licences (General Conditions) Rules, 1967, in as much as, the restriction contemplated in Rule 5 is that insofar as residential localities are concerned, if such localities are predominantly inhabited by members of Scheduled Caste and Scheduled Tribe, then no licence for liquor shop shall be granted. The Rule cannot be interpreted as to lay down a total embargo for complete prohibition for granting such licence in any residential area...... The matter is remanded to the Excise Commissioner for fresh consideration..... The Court find it just and appropriate to direct the Commissioner to dispose of the appeal expeditiously, which will be subject to the result of the order to be passed by the Excise Commissioner. Until the disposal of the appeal, the order under challenge Annexure-J shall stand stayed. — *S.C. Srinivasa v The Commissioner of Excise in Karnataka, Bangalore and Others,* **2013(2) Kar. L.J. 189.**

R. 3(11).— There is no manifest arbitrariness in prescribing a distributor licence which can be granted only to a company owned by the State and compelling the manufacturer to sell their product to the distributor.

A distributor licence is prescribed under Rule 3(11). A licence either for manufacture or sale of liquor is prohibited from selling liquor to anyone other than the holder of a distributor licence. The rule provides that a distributor licence shall be issued only to such company owner or controlled by the State Government as the State Government may specify. A distributor licence, is only a licence to deal in liquor by sale and purchase of liquor. This activity is not something different from what is contemplated under the Act itself or in respect of which the rule making authority has been delegated to the State. The mere fact that a monopoly of distributor licence is sought to be created, does not take the licence outside the ambit of the Act. The Act itself provides that the number of licences can be regulated by the State. If the State chooses to regulate licences by providing that the licence shall be granted only to a company owned by the State, it cannot be said that such a licence is something which is outside the purview of the Act or the rule making authority of the State under the Act. The tests of arbitrary action which apply to executive action do not necessarily apply to delegated legislation. In order that delegated legislation can be struck down, such legislation must be manifestly arbitrary; a law which could not be reasonably expected to emanate from an authority delegated with the law-making power. A subordinate legislation may be questioned under Article 14 on the ground that it is unreasonable, 'unreasonable' not in the sense of not being reasonable, but in the sense that it is manifestly arbitrary'. Arbitrariness is not a separate ground since it will come within the embargo of Article 14. But subordinate legislation must be so arbitrary that it would not be said to be in confirmity with the statute or that it offends Article 14. Though there is no fundamental right in a citizen to carry on trade or business in liquor; and the State under its regulatory has the power to prohibit absolutely every form of activity in relation to intoxicants, such as its manufacture, storage, export, import, sale and possession; nevertheless when the State decides to grant such a right or privilege to others, the State cannot escape the rigour of Article 14. But, while considering the applicability of Article 14 in such a case, the Court would be slow to interfere with the policy laid down by the State Government for grant of licences for manufacture and sale of liquor. In view of the inherently pernicious nature of the commodity large measure of latitude should be allowed to the State in determining the policy of regulating manufacture and trade in liquor. Moreover, the grant of licence for manufacture and sale in liquor, would essentially be a matter of economic policy where the Court would hesitate to intervene and strike down what the State has done unless it appears to be plainly arbitrary, irrational or *mala fide.* It has to be examined whether there is any manifest arbitrariness in prescribing a distributor licence which can be granted only to a company owned by the State; and in compelling the manufacturers to sell their product to the distributor. On the ground that distributor may act arbitrarily or capriciously and may purchase or not purchase liquor at its own sweet-will. Once the rules oblige the manufacturers to supply their product only to the company holding the distributor licence, a corresponding duty is cast on the distributor to place orders with the suppliers concerned whenever demand for a particular product is received by it.

It was also contented that since the first sale will be within the State, a substantial rebate in excise will be lost and the goods manufactured by will become more expensive and will become much less competative in the outside market. Any concession which is granted by the State for export sales or inter-State sales is a matter of policy. Granting of such concession or absence of such concession cannot make the rule itself manifestly arbitrary or unreasonable or violative of Article 14. All manufacturers and suppliers within the State are governed by the same rules and will, therefore, have to pay the same taxes. All persons who are similarly situated are similarly affected by the amended rules. Therefore, there is no discrimination under Article 14 in its traditional sense. So long as the policy is not arbitrary or wholly unreasonable, it cannot be considered as violative of Article 14.— *M/s. Khoday Distilleries Limited etc. v State of Karnataka and Others,* **AIR 1996 SC 911.**

Rule 3(11)(b) — As amended on 13-9-1989 — Companies Act, 1956, Sections 433(e) and 434 — Liquor manufactured in State — Appointment of Government Agency as sole distributor of — Authority given to agency to collect reasonable margins not exceeding 5% of sales — Loss of margin money suffered by Agency during stay of operation of rule pending disposal of litigation — Since, under prevalent trade practice and also under Government Order appointing Agency as sole distributor, such margin money is payable by vendees of agencies, its claim against manufacturing Company, for loss of margin money cannot be enforced, and its petition for winding up of manufacturing Company for not conceding demand is misconceived and not *bona fide.*

The letter dated 13-11-1989 by which MSIL had been declared as the sole distributor of liquor in the State and it is clearly stipulated therein "that MSIL shall be entitled to charge reasonable margins not exceeding.... 5% on sales

hardship to run the business and also to eke out their livelihood. Since from time to time, the licence fee would be enhanced/revised, when the margin of profit has been reduced from 20% to 10%, such a revision must be proportionate to the business and the profit thereon. . . . . Further grievance of the petitioners is, there is no provision for grant of fresh licences under Rule 5 of the Rules as per the policy made by the State on 3-9-2003 in not granting any fresh licences. But, subsequently, it has taken a decision to grant fresh CL-2 licences to MSIL, the State owned company. However, once again the answer for this is, the decision of the Apex Court in *M/s. Khoday Distilleries Limited's* case and also the decision in *Nashirwar v State of Madhya Pradesh and Others*, AIR 1975 SC 360 : (1975)1 SCC 29, wherein the Apex Court has held that, the State has the exclusive right and privilege of manufacturing and selling liquor. It can auction licences for carrying on business of selling liquor and a citizen has no fundamental right to do business in liquor. . . . . It is stated that one of the purpose of regulation is to raise revenue to the State by granting licences to the State owned companies and while exercising monopoly or privilege, the State felt it proper to give more number of licences to the State owned company to regulate business in liquor. Although a policy was brought in during 2003 to restrict issuance of CL-2 and CL-9 licences, however, it shall not bar the issuance of licences in favour of the State owned companies and the business carried on by the State is to earn revenue for the State as limited revenue would be generated in case of private CL-2 or CL-9 licence holders since the margin profit is fixed. For the purpose of generating revenue, when the State has taken a decision to give more number of CL-2 licences to the State owned companies, that cannot be said either discriminatory or arbitrary and no quota could be fixed for issuance of licences to the Government owned companies by the Commissioner of Excise and it applies only to private individuals. — *B. Martin and Others v State of Karnataka and Others*, 2011(3) Kar. L.J. 16.

[1][3-A. **Licensee to purchase liquor only from notified depots of the Distributor Licensee.**—The Excise Commissioner shall notify from time to time the area of operation and jurisdiction of each Depot of the Distributor Licensee for the purpose of sale of liquor to the licensees whose shops are located in such notified area. Any person holding a licence in Form CL-2, CL-4, CL-5, CL-6, CL-6A, CL-7, [2][x x x x x], CL-9, CL-14 [3][or CL-15, CL-16, CL-17 or CL-18] issued under these rules shall purchase liquor only from such notified depots of the Distributor Licensee.]

4. **Application for licence.**—[4][(1) Any person desiring to obtain.—

1. Rule 3-A substituted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 1-7-2006.
2. The letters and figure "CL-7D" omitted by Notification No. FD 02 (2) PES 2019, dated 17-12-2019, w.e.f. 18-12-2019.
3. Substituted for the word, letters and figures "or CL-15" by Notification No. FD 3 PES 2008, dated 22-11-2008, w.e.f. 22-11-2008.
4. Sub-rule (1) substituted by Notification No. FD 15 PES 2001, dated 4-7-2001, w.e.f. 1-7-2001.

(a) a distributor licence or a distributor licence to sell foreign liquor shall make the application to the Excise Commissioner; and

(b) any licence other than distributor licence and distributor licence to sell foreign liquor shall make the application to the Deputy Commissioner of the concerned district where the licence has to be sanctioned in Form CL-1A.]

(2) The application shall contain the following particulars namely.—

(i) Name and address of the Applicant;

(ii) If the applicant is a company or a firm, the names and addresses of all the Directors or partners of the company or firm;

(iii) Location of the premises where the applicant intends to conduct the business under a licence;

[1][(iv) If the sale is in more than one district, the names of districts.]

[2][(3) x x x x x.]

CASE LAW

Rules 4 and 5 — Retail shop — Grant of licence in Form CL-2 for running of — Condition regarding location — Premises where applicant intends to conduct business under licence must be specified in application, and if premises is found suitable, licence can be granted — Consent of owner of premises, when applicant himself is not owner, is not requirement for grant of licence — Once consent of landlord is obtained for issue of licence, his further consent is not necessary for renewal of licence every year — Licence granted cannot be revoked merely because landlord has chosen to withdraw his consent.

V.K. Singhal, J., *Held*: The licence has to be granted by the Excise Authorities on the basis of fulfilling the requirements of the Act and the Rules made thereunder. Though the requirement of any consent of the landlord is not specifically there, but for administrative convenience it has been obtained as in the present case. Once the consent is obtained for, thence for the subsequent period it is not necessary that such consent has to be obtained for renewal of licence every year. Grant of licence cannot be regulated by the whim of the owner of the premises. There is no provision under the Act or the Rules for refusal or cancellation of the grant of licence or renewal in a situation when subsequently the landlord changes his mind. The whim of the landlord would not determine the fate of the tenant. The question whether there is a valid lease or tenancy in existence cannot be examined in the proceedings under Article 226 of the Constitution when a suit is also pending. The right of the tenant does not come to an end automatically with the termination of lease/tenancy. In these circumstances, there is no case made out for interference under the extraordinary jurisdiction under Article

1. Clause (iv) of sub-rule (2) inserted by GSR 344, dated 14-10-1976, w.e.f. 28-10-1976.
2. Sub-rule (3) omitted by Notification No. FD 03 PES 2015, dated 28-5-2016, w.e.f. 28-5-2016

"within the State". Reasonable margin is a margin which the distributor collects from the person to whom he sells. It is thus clear that MSIL could collect margin money from the wholesalers and retailers to whom liquor was sold. The Company is a manufacturer of liquor and MSIL was not selling liquor to it. MSIL itself clearly understood the Government letter to mean that margin money was payable to it by the wholesalers. MSIL in its letter dated 4-5-1993 addressed to the Company made a grievance that the latter was giving direct supplies of liquor to the wholesalers which acted as a deterrent on the wholesalers from purchasing liquor from MSIL because they had to pay 5% more.... The claim made by MSIL against the Company on the basis of the Government letter dated 13-11-1989 is clearly misconceived and not *bona fide*. No amount could be recovered from the Company on the basis of this letter. If at all any amount could be recovered on the basis of that letter it could be only from the wholesalers and retailers to whom liquor had been sold..... The amount claimed by MSIL is also disputed on the ground that as per the trade practice which is followed consistently, the margin money is payable by the wholesalers/retailers to whom liquor is sold and it is never paid by the manufacturer. If such a practice is prevalent, no amount is payable by the Company. Whether such a practice is prevalent or not is a matter of evidence and in the very nature of things such issues could not be decided on summary proceedings in a winding up petition. — *Mysore Sales International Limited, Bangalore v United Breweries Limited, Bangalore*, 2005(6) Kar. L.J. 615B (DB).

Rule 3(11)(b) —. As amended on 13-9-1989 — Companies Act, 1956, Sections 433(e) and 434 — Liquor manufactured in State — State Government appointing Agency as sole distributor of — Authorisation given to Agency to collect reasonable margin money on sales effected by it — Petition filed by — Company manufacturing liquor challenging validity of amended Rule, and order of Apex Court upholding its validity and directing manufacturing Company to make good loss of margin money suffered by Agency on account of stay of operation of amended Rule pending disposal of litigation — Order of Apex Court is order *in personam* which is enforceable only against Company which was party to litigation, and not order *in rem*, enforceable against other companies who were not parties to litigation — Hence Company which was not party to litigation cannot be wound up for not making good loss suffered by Agency on account of stay of operation of amended Rule.

The interim order passed by the Supreme Court was not an order *in rem* but it was an order *in personam*. It is true that when the operation of the Rules was ordered to be stayed during the pendency of the appeals in the Supreme Court the Company and several others took advantage of the same even though they were not parties before the Supreme Court because the authorities had been restrained from giving effect to the Rules and not because the order was passed *in rem*. When the authorities did not implement the Rules, the benefit accrued to all and sundry but the conditions which were imposed by the Supreme Court while granting the interim order were operative only between the parties and not on others. Only Khoday

Distilleries Limited and others who were parties before the Supreme Court were bound by those conditions and may be they were required to pay margin money/commission to MSIL in terms of the directions contained in para 21 of the judgment in *Khoday Distilleries* case. The Company which was not a party before the Supreme Court was neither required to maintain its accounts nor was it required to supply a copy of the same to MSIL and nor was it required to pay any amount thereunder to MSIL. Therefore, MSIL could not make a claim for the payment of any money from the Company on the basis of the interim order or the final order passed by the Supreme Court in the aforesaid cases. — *Mysore Sales International Limited, Bangalore v United Breweries Limited, Bangalore*, 2005(6) Kar. L.J. 615C (DB).

Rule 3(11)(c) — Constitution of India, Articles 226 and 227 — Writ petitions filed praying to strike down Rule 3(11)(c) as amended by Notification dated 30-6-2003 as illegal and unconstitutional — Held — Sale of liquor is neither a fundamental right nor a question of arbitrariness which can be questioned — When State intends to promote business through organised sectors, companies owned by the State, the granting of licences to MSIL cannot be held to be arbitrary — With regard to fixing of exhorbitant fee in respect of private dealers, Government directed to consider representations of petitioners and to take decision to maintain uniformity in the matter of charging licence fee between private owners and the Government owned companies.

Huluvadi G. Ramesh, J., Held: In view of the legal position and also, since it is settled in various other cases that sale of liquor is neither a fundamental right nor a question of arbitrariness which can be questioned, and also when the State intends to promote business through organised sectors namely, the companies owned by the State, the granting of licences to the MSIL cannot be held to be arbitrary and, the rule enabling grant of some more licences in the interest of public health or general order and thereby, grant of some more CL-2 licences through MSIL, cannot be held to be bad. . . . . . Insofar as charging of licence fee as per Rule 8 of the Rules is concerned, of course, in the case on hand, for CL-2 licence it is charged at Rs. 1 lakh for MSIL, *i.e.*, State owned company's licence holders, whereas, for individual licensees it is being charged at Rs. 7 lakhs and odd within the City Municipal Corporation. The procedure adopted by the State does not stated to reason as to why such a licence fee has to be enhanced when both CL-2 private licence holders as well as State owned companies are to run similar business and also when simultaneously, by a Rule, it has fixed the minimum margin profit of 10% from 20% which was fixed earlier. In the circumstances, it is for the State to reconsider the charging of licence fee to various places as indicated in Rule 8 and it is for the petitioners to give representations to the Government so that the Government shall take decision to maintain uniformity in the matter. Since it is not that the private dealers would take over the public company business, as such, there is no rationale in fixing exorbitant fee in respect of private dealers. However, without quashing the rules framed in 2007, the Government shall consider the representations of the petitioners to maintain uniformity in the matter of charging licence fee since it appears to be causing

[1][3. Definitions.—In these rules unless the context otherwise requires.—

(1) "Educational Institution" means a Pre-Primary, Primary or Secondary School [2][or college or institution] owned or managed or recognised by any local authority, State or Central Government or any College affiliated to or established or managed by any University established by law.

(2) "Licensee" means a person to whom a licence to sell Liquor is granted.

(3) "Religious Institution" means a temple, mutt, mosque, church, synagogue, agiary or other place of public religious worship which is as the case may be, established or managed or owned by a public trust, the Religious and Charitable Endowments Commissioner or a Society registered under the Societies Registration Act or Wakf Board Act.

(4) "Shop" means the licenced premises where liquor is sold].

4. Commencement of business.—Licensee shall commence his business on the 1st July or such date as may be notified by the Excise Commissioner and shall keep open on every day during such hours as may be fixed by the Excise Commissioner.

Explanation.—Any shop shall be deemed to be open when in the case of liquor shop so much of stock is always kept in the shop so as to meet the requirements for a week and in case of toddy shops to the extent of daily requirements.

[3][4-A. Closure of shops on certain occasions.—(i) A licensee may after intimation to the Excise Inspector of the jurisdictional range, close the shop on the following occasions, namely.—

(a) on the day of marriage in his family; or

(b) on the day of the occurrence of a death or accident on his family; and

(ii) A licensee may with the prior permission in writing of the Deputy Commissioner of Excise close the shop for renovation or repair of licensed premises for a period not exceeding fifteen days in an excise year.]

[4][5. Restriction in respect of location of shops.—(1) No licence for sale of liquor shall be granted to a liquor shop or premises selected within a distance of 100 metres from any religious or educational institution or Hospital or any Office of the State Government or Central Government or Local Authorities or in a residential locality, where the inhabitants are predominantly belonging to Scheduled Castes or Scheduled Tribes or within a distance of 220 metres from the middle of the State Highways or National Highways:

1. Rule 3 substituted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.
2. Inserted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016
3. Rule 4-A substituted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016
4. Rule 5 substituted by GSR 127, dated 21-6-1993, w.e.f. 21-6-1993.

[1][Provided that where a shop is sanctioned to a village the population of which is less than two thousand five hundred, such shop shall be located outside the residential locality of the village.]

[2][Explanation.—[3][(1) For the purpose of this rule "National Highway" or "State Highway" shall not include such parts of the National Highway or State Highway as are situated within the limits of a Municipal Corporation, City or Town Municipal Council, or such other authority having a population of twenty thousand or more.]

[4][Explanation.—(2) For the purpose of this rule, the expression "Hospital" means any Government Hospital, Primary Health Centre or Primary Health Unit and includes a Private Hospital or a Private Nursing Home which has the facility of a minimum of thirty beds for treatment of inpatients.

Explanation.—(3) For the purpose of this rule the expression "Office of the State Government or Central Government or Local Authority" means and includes any State or Central Government Office headed by Group 'A' or 'B' grade officers and the main Administrative Offices of Local Bodies like City Corporation, City Municipal Council, Town Municipal Council, Town Panchayat, Zilla Panchayat, Taluk panthayat and Grama Panchayat and such other offices of the State Government, Central Government or Local Authorities as may be specified by the Government from time to time.]

(2) The Deputy Commissioner of Excise shall after making such enquiry as he deems fit approve the premises of liquor shop so selected and thereafter the description of the premises of liquor shop shall be entered in the Licence to be issued:

Provided that the Deputy Commissioner of Excise may, with the prior approval of the Excise Commissioner and for reasons to be recorded in writing, permit the location of any shop within a distance of 100 metres, but not less than 50 metres from the institutions, hospital, office or locality specified in sub-rule (1) within the City Municipality or City Corporation limits.

[5][Provided further that the Deputy Commissioner of Excise may grant licence to locate any liquor shop in a premises situated within a distance of 220 metres from the middle of a State Highway or a National Highway if such premises is located in a predominantly inhabited area, or extension of a town, village, or area the population of which is more than two thousand five hundred and where a licence to locate shop in such premises was granted or was existing during the period commencing from 1st July, 1992 and ending on [6][30th June, 1994.]]

1. Proviso inserted by GSR 24, dated 6-12-1993, w.e.f. 6-12-1993.
2. Explanation to sub-rule (1) inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.
3. Explanation to sub-rule (1) renumbered as Explanation (1) by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
4. Explanations (2) and (3) inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
5. Second proviso inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.
6. Read for the words and figures "30th June, 1992." by GSR 132, dated 12-8-1994.

[1][Provided also that, nothing in sub-rule (1), shall be applicable to the licensed premises located within a distance of 100 meters from any religious or educational institution or hospital or any office of the State Government or Central Government or Local Authorities, renewed or existed as on 1st July, 2016.]

[2][(2-A) Notwithstanding anything contained in sub-rules (1) and (2) the Deputy Commissioner of Excise may with a view to secure, convenience, morality, tranquility, decency or safety of the public or for any other reason, reject the application for licence to a liquor shop or premises after recording the reasons therefor.]

(3) For the purpose of this rule while measuring the distance specified in this rule, the distance shall be measured along the nearest path by which the pedestrian ordinarily reaches, adopting the mid-point of the entrance of the shop and the mid-point of the nearest gate of the institution, hospital or office if there is a compound wall and if there is no compound wall, the mid-point of the nearest entrance of the institution of the office.

(4) The Deputy Commissioner may, by order after giving the licence an opportunity of being heard, direct such licence to shift the location of any shop, —

(a) With a view to secure the convenience, morality, tranquility, decency or safety of the public [3][or compliance] of the provisions of these rules; or

(b) where after the issue of a licence, any religious institution or educational institution is established [4][or any office of the State Government or Central Government or Local Authorities or a Hospital is opened] within the limits specified in this rule;

to any other suitable place, within such period, not exceeding three months as he may specify.]

[5][(5) The Excise Commissioner may at his discretion and for reasons to be recorded in writing exempt from the application of these rules in the case of distributor licences referred to in clause (11) of Rule 3 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968.]

CASE LAW

R. 5 — Amendment of *vide* Notification No. FD 20 PES 92, dated 21st June, 1993 — Constitutional validity of amended Rule 5 challenged — Rule placing restrictions regarding location of shops — Whether unreasonable and arbitrary, thereby offending Article 14 of the Constitution?

1. Third proviso inserted by Notification No. FD 11 PES 2015, dated 19-5-2017, w.e.f. 19-5-2017.
2. Sub-rule (2-A) inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
3. Substituted for the words "and compliance" by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
4. Inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
5. Sub-rule (5) substituted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016

Shivaraj Patil, J., Held. — Rule 5 of the Rules 1967 prior to its amendment did place restrictions regarding location of shops stating that no such sites shall be selected to locate a shop within a distance of 100 metres from any religious or educational institution or residential locality inhabited predominantly by Scheduled Castes and Scheduled Tribes. The amended Rule 5 includes hospitals, any office of the State Government or of the Central Government or local authorities and State and National Highways. Distance of 100 metres remains the same except in regard to highways. As far as State Highway and National Highway are concerned, distance prescribed for location of a shop is 220 metres from the middle of the State Highway or National Highway. It appears and it stands to reason as well, that the impugned rule is intended to secure the convenience, morality, tranquility, decency or safety of the public. ... In short, the impugned rule serves the public interest and as such it is neither unreasonable nor arbitrary. — *B.N. Raghuram and Others v State of Karnataka and Others*, 1993(3) Kar. L.J. 235A.

R. 5 — Amendment of — Whether *ultra vires* Section 71 of the Act

Shivaraj Patil, J., Held. — The contention that the impugned Rule 5 being the subordinate legislation is not a law made by the legislature of the State and that too when it is not placed on the floor of the legislature, restrictions imposed by the impugned rule are bad in law, does not merit acceptance. Having regard to the language of Section 71(3) of the Act, a valid rule made under the Act has to be taken as a law made by the State Legislature. The impugned Rule 5 is aimed at and intended to achieve some social purpose, and the rule is made in the interest of safety, morality and convenience of the public and that the impugned rule having been made by virtue of the powers conferred by Section 71 of the Act definitely serves the purpose of the Act. The impugned Rule 5 is not *ultra vires* of the Act. — *B.N. Raghuram and Others v State of Karnataka and Others*, 1993(3) Kar. L.J. 235B.

Rule 5 — Karnataka Excise Act, 1965, Section 21 — Location of business of vending Indian Liquor — Notice to licences to shift location of their business — Law and order question — Challenged — Contended that no opportunity given and decision taken unilaterally to issue notice to shift place of business — Held — Act always prevail over rules — Rule 5 is only in context of shifting whereas Section 21 is in context of maintaining law and order — Main intention is to close down shops immediately — Notice is more an enabling notice rather than one for purpose of shifting — Three days time to make alternative arrangement is more than sufficient when situation is examined under Section 21 of the Act — Action of authorities have to be examined on touchstone of rules and statutory provisions rather than to examine rights of the licensee — No person has a right to trade in liquor as it is a privilege of the State — Action does not warrant interference in exercise of power of judicial review of administrative action.

D.V. Shylendra Kumar, J., Held: Petitioners have approached Court on the premise that the Deputy Commissioner of the District has surprised them by issuing the notice calling upon the petitioners to shift the location of their

[1]THE KARNATAKA EXCISE (LEASE OF THE RIGHT OF RETAIL VEND OF BEER) RULES, 1976

CONTENTS

(As amended by GSR 150, dated 14-6-1978; GSR 298, dated 11-10-1980; GSR 63, dated 8-4-1991; GSR 33, dated 11-2-1992; Notification Nos. FD 10 PES

1. Published in the Karnataka Gazette, dated 5-8-1976, vide Notification No. HD 16 PET 75(II), dated 27-7-1976.

95(iv), dated 31-5-1995; FD 7 PES 98(v), dated 18-6-1998; FD 3 PES 99(i), dated 9-6-1999; FD 10 PES 2002(IV), dated 29-6-2002; FD 32 PES 2002, dated 16-1-2003; FD 36 PES 2003(3), dated 23-2-2004; Notification No. FD 9 PES 2009, dated 25-3-2010 **and FD 09 PES 2014, dated 15-12-2014.**).

GSR 226.—Whereas a draft of the Karnataka Excise (Lease of the Right of Retail Vend of Beer) Rules, 1976 was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965) in Notification No. GSR 170 (HD 16 PES 76(II), dated 30th June, 1976 in Part IV, Section 2C(i) of the Karnataka Gazette, Extraordinary, dated 30th June, 1976 inviting objections and suggestions from all persons likely to be affected thereby before 15th July, 1976;

And, whereas, the Gazette was made available to the public on 30th June, 1976;

And, whereas, no objections or suggestions have been received on the said draft by the State Government;

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka, hereby makes the following rules, namely.—

1. Title, extent and commencement.—(1) These Rules may be called the **Karnataka Excise (Lease of the Right of Retail Vend of Beer) Rules, 1976.**

(2) They shall extend to the whole of the State of Karnataka.

(3) They shall come into force from 1st July, 1976.

2. Definitions.—In these rules, unless the context otherwise requires,

(a) "Act" means the Karnataka Excise Act, 1965;

(b) "Beer" means any liquor prepared from malt or grain with or without the addition of sugar and hops and includes ale, black beer, porter, stout and spruce beer;

(c) "Form" means a form appended to these rules;

(d) "Licence" means a licence issued under these rules;

(e) "Year" means year commencing on the first day of July and ending June 30th;

(f) "Shop" means the shop licensed for retail vend of Beer under these rules;

(g) "Lease" means a lease granted under these rules for retail vend of Beer in a shop.

3. Lease of Retail Vend of Beer.—A person desiring to obtain a lease for retail vend of Beer under these rules, may make an application to the Deputy Commissioner in Form I. The application shall be accompanied by a Treasury Challan for having credited the lease amount prescribed in Rule 5.

4. Grant of Lease of Retail vend of Beer.—On receipt of the application under Rule 3, the Deputy Commissioner may after making such enquiry for purpose of verification of the particulars furnished by the applicant [1][an having regard to the provisions of Rule 4-A, if he is satisfied] that there is no objection to lease the right of retail vend of Beer, he may with the previous sanction of the Excise Commissioner, grant the lease.

[2][**4-A. Matters to be taken into account while granting lease.**—The Deputy Commissioner, shall, while granting lease under these rules, have regard to,—

(i) the availability of rooms for serving Beer along with eatables for consumption;

(ii) adequate seating arrangements;

(iii) the provision for separate toilet with running water facilities.]

[3][**5. Lease amount.**—(1) The lease amount for the Right of Retail Vend of Bulk Beer shall be rupees thirty thousand per annum and lease amount for vending Bulk Beer by holder of [4][[5][a licence in Form CL-4 or Form CL-6A or Form CL-7 [6][or Form CL-7D] or Form CL-9] issued under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968] shall be rupees fifteen thousand per annum, and

(2) The lease amount for the Right of Retail Vend of Bottled Beer shall be rupees four thousand five hundred per annum.]

[7][**5-A. Additional lease amount.**—In respect of a lease granted under these rules, an additional lease amount equivalent to fifteen per cent as specified in Rule 5, shall be levied for the purpose of various infrastructure projects across the State, equity investment in Bangalore Mass Rapid Transit Limited and for establishing a Mukhya Manthri Grameena Rasthe Abhivruddhi Nidhi in the proportion of 57:28:15 respectively.]

[8][**6. Duration of Lease.**—The lease shall be for a period of three years subject to annual renewal and also subject to good behaviour and payment of lease amount as specified in Rule 5.]

7. Licence.—On granting lease under Rule 4, of the Deputy Commissioner shall issue a licence to the licensee in Form No. II. The said licence shall be subject to the conditions specified thereon.

1. Substituted for the words "and if he is satisfied" by GSR 63, dated 8-4-1991, w.e.f. 8-4-1991.
2. Rule 4-A inserted by GSR 63, dated 8-4-1991, w.e.f. 8-4-1991.
3. Rule 5 substituted by Notification No. FD 3 PES 99(i), dated 9-6-1999, w.e.f. 1-7-1999.
4. Substituted for the words "Bar Licence" by Notification No. FD 32 PES 2002, dated 16-1-2003, w.e.f. 16-1-2003
5. Substituted for the words, letters and figures "a licence in Form CL-6A or Form CL-7 or Form CL-9" by Notification No. FD 9 PES 2009, dated 25-3-2010, w.e.f. 25-3-2010
6. Inserted by Notification No. FD 09 PES 2014, dated 15-12-2014, w.e.f. 16-12-2014
7. Rule 5-A substituted by Notification No. FD 36 PES 2003(3), dated 23-2-2004 and shall be deemed to have come into force w.e.f. 1-2-2004
8. Rule 6 substituted by GSR 298, dated 11-10-1980, w.e.f. 11-10-1980.

CASE LAW

Rule 7 — Granting of licence in Form II for retail vend of beer — On facts and circumstances — Appellant permitted to file fresh application for issue of licence in Form II — Respondent-authorities to receive and consider the same in accordance with law without being prejudiced by observation made in writ petition order.

N.K. Patil and Mrs. S. Sujatha, JJ., Held: In the light of the submission made by learned Counsel appearing for both the parties and having regard to the peculiar facts and circumstances of the case, without expressing any opinion on merits of demerits of this case, it would suffice for this Court to dispose of the appeal with appropriate direction to the parties to meet the ends of justice and to safeguard the interest of appellant as well as respondents. . . . . The appellant herein is permitted to file fresh application for issue of licence in Form 2 for retail vend of beer as contemplated under the Karnataka Excise (Lease of Retail Vend of Beer) for the excise year 2016-2017 which commences from 1st July, 2016, before the expiry of this excise year. If such an application is filed by the appellant, the respondents-authorities are directed to receive and consider the same in accordance with law, and dispose of the same after affording reasonable opportunity of hearing to the appellant as expeditiously as possible and without being prejudiced by the observation made in the order impugned dated 13-9-2012 passed by the learned Single Judge in W.P. No. 15851 of 2012. – *Ramesh Bhimagouda Patil v State of Karnataka and Others*, 2016(2) Kar. L.J. 462 (DB).

[1][7-A. **Number of licences to be fixed.**—(1) The maximum number of licences to be granted in an area shall be determined from time to time by the Excise Commissioner with the previous approval of the State Government.

(2) The number of retail vend of Beer licences to be granted in a taluk shall be determined with reference to the population of such taluk and probable demand.

(3) The number of retail vend of Beer licences to be granted in a taluk shall be as follows.—

(a) One retail vend of Beer licence for every 20,000 population in urban area or a fraction thereof exceeding 10,000 and one retail vend of beer licence for every 30,000 rural population or a fraction thereof exceeding 15,000.

(4) Notwithstanding anything in sub-rule (3) the Excise Commissioner may, with the previous approval of the State Government grant for any area such number of licences not exceeding one half of the total number of licences granted for such area under sub-rule (3) on the basis of increase in consumption of Beer and demand for such licences.

Explanation.—For the purpose of this rule,—

1. Rule 7-A inserted by GSR 63, dated 8-4-1991, w.e.f. 8-4-1991.

(i) **"Population"** means the population as ascertained at the last preceding Census and includes the projected annual growth subsequent to the last preceding Census;

(ii) **"Urban area"** means the areas included within the limits of a city declared under the Karnataka Municipal Corporations Act, 1976 or a City Municipality or a Town Municipality declared under the Karnataka Municipalities Act, 1963.]

8. Duration of Licence.—A licence shall be valid for the year or where a licence is obtained on any date after the first July until the 30th June thereafter.

9. Renewal of Lease.—A lessee in whose favour the lease has been granted desiring to renew the lease on expiry of the lease, may make an application in Form No. I to the Deputy Commissioner at least one month before the expiry of the lease already granted. The application shall be accompanied by a Treasury challan for having credited the lease amount prescribed in Rule 5.

10. Grant of Renewal of Lease.—On receipt of application under rule 9, the Deputy Commissioner may grant the renewal of lease.

11. Renewal of Licence.—On grant of lease under Rule 10 to the lessee, the Deputy Commissioner shall renew the licence for the period mentioned in the lease. The renewal shall also be in Form No. II.

12. Cash Security.—The lessee before grant of a licence shall furnish a cash security of Rs. 1,000 or Government Securities or the Securities recognised by the Government for fulfilment of licenced conditions.

FORM I

[See Rule 3]

Application for Grant of Lease

1.	Name and address of the Applicant	
2.	If the applicant is a company or firm the names and addresses of the Directors or Partners of Company or Firm	
3.	The location of the premises where applicant intends to conduct the business under a lease	

4. Whether [1][lease amount] prescribed under these rules is paid, if so the application shall be accompanied by a Treasury Challan for having credited the lease amount prescribed in Rule 5.

Place:

Date: Applicant

FORM II

(See Rule 7)

PART-A

Licence for the retail sale of Beer

1	Registration No.	
2	Name of the Licensee	
3	Name of the Agent or Vendor	
4	Locality: (a) Town (b) Street (c) Door No.	

I, ... the Deputy Commissioner .... District consideration of the payment of the prescribed lease amount of [2][Rs. ....(Fill in here lease amount prescribed under Rule 5 of the rules)] do hereby authorise Sri. .... S/o Sri. .... residing at .... to sel beer at premises No. .... situated in .... subject to the conditions prescribed in Part 'B' appended below:

Schedule showing the boundaries of the Beer Shop

Street, Door No. and other particulars	Bounded on the				Remarks
	North by	East by	South by	West by	

1. Substituted for the words and figures "a lease amount of Rs. 500/-" by Notification No. FD 32 PES 2002, dated 16-1-2003, w.e.f. 16-1-2003.
2. Substituted for the words, figures and brackets "Rs. 4,500/- (Rupees Four thousand Five hundred only)" by Notification No. FD 32 PES 2002, dated 16-1-2003, w.e.f. 16-1-2003.

Seal ....

Place Deputy Commissioner

Date ....District.

PART-B

CONDITIONS

(1) The Licensee shall be bound by the provisions of the Karnataka Excise Act, 1965 and any general or special rules prescribed or which may from time to time be prescribed thereunder.

(2) The privilege under this licence is restricted to [1][sale of bulk or bottled Beer only.]

(3) The holder of this licence shall upon requisition by any officer not below the rank of Sub-Inspector of Excise be bound to produce before such Officer the original Invoice showing the purchase of Beer for the sale of which this licence is granted for inspection and to give samples of Beer in the shop to be tested.

(4) The Licensee is bound to maintain separate correct accounts of daily transactions of each brand of Beer and submit the returns monthly to the jurisdictional Inspector of Excise within the first week of the next following month.

(5) The Licensee shall use metric measures only approved by the Weights and Measure Department.

[2][(5-A) The licensee shall ensure that the bulk Beer supplied to the licenced premises shall be in hygienic condition and sold fresh.]

(6) The Licence shall not be transferable without the previous sanction of the Excise Commissioner.

(7) The agent or the Vendor, as the case may be, shall equally with the Licence holder be responsible for breach of any of the conditions of the Licence.

(8) The shop shall have only one door both for entry and exit.

(9) The Licensee shall fix in a conspicuous place outside his shop a Board on which shall legibly be painted his

name, number of his shop and the article he is licensed to deal in.

(10) If a Vendor opens a cask of a particular brand of Beer and puts on tap, he should not open another cask of the same brand until the previous cask is emptied.

(11) The Licence may be suspended or cancelled in accordance with the provisions of Section 29 of the Act and the Licensee or his employee shall be

1. Substituted for the words "sale of Beer only", by GSR 298, dated 11-10-1980, w.e.f. 11-10-1980.
2. Condition (5-A), inserted by GSR 63, dated 8-4-1991, w.e.f. 8-4-1991.

liable for prosecution of breach of any conditions of licence under the provisions of the Act or the rules and orders passed thereunder.

(12) The licence shall continue to be in force till 30th of June....................

(13) Beer shall be sold only for consumption in the premises.

(14) The opening and closing hours of the shop for sale of Beer shall be from 9-30 A.M. to 9.30 P.M.

....

Deputy Commissioner, District

FORM III

(See Rule 11)

Application for Renewal of Licence

1.	Name and address of the applicant	
2.	If the applicant is a Company or Firm the names and addresses of the Directors or Partners of Company or Firm	
3.	The location of the premises where the applicant is conducting the business under a lease	
4.	Whether the applicant/firm is licenced to vend Beer under the Karnataka Excise (Lease of right of retail vend of Beer) Rules, 1976	
5.	Particulars of licence held by him/them for retail vend of Beer	

Place:

Date:

Applicant

FORM IV

Form B.P.No. 1 For sale of Beer in Brand...............

Account book of .... Licence holder/retail in toddy shops.

Month	Date	Opening Balance		Receipt		Quantity	
		Bulk	Bottles	From Whom	Permit No. and Date	Bulk	Bottles
1	2	3	4	5	6	7	8

Total		Issues		Closing Balance		Remarks
Bulk	Bottles	Bulk	Bottles	Bulk	Bottles	
9	10	11	12	13	14	15

Signature of the Licence Holder.

[1]THE KARNATAKA EXCISE (BREWERY) RULES, 1967

(As amended by GSR 92, dated 22-2-1969; GSR 111, dated 25-3-1976; GSR 189, dated 28-6-1980; GSR 141, dated 20-6-1983; GSR 243, dated 28-10-1985; GSR 214, dated 1-8-1986; GSR 296, dated 10-11-1987; GSR 67, dated 15-3-1989; GSR 171, dated 13-9-1989; GSR 129, dated 17-7-1992; Notification Nos. FD 10 PES 95(iii), dated 31-5-1995; FD 12 PES 95(ii), dated 29-6-1996; FD 325 EDC 95(iii), dated 13-2-1997; GSR 66, dated 7-6-1997; Notification Nos. FD 7 PES 98(iii), dated 18-6-1998; FD 3 PES 99(ii), dated 9-6-1999; FD 7 PES 2000, dated 24-6-2000; FD 18 PES 2001(4), dated 30-6-2001; FD 13 PES 2001(2), dated 13-7-2001; FD 15 PES 99(ii), dated 24-6-2002; FD 10 PES 2002(II), dated 29-6-2002; FD 15 PES 99(ii), dated 23-8-2002; FD 9 PES 2003(2), dated 5-6-2003; FD 16 PES 2003(iii), dated 30-6-2003; FD 36 PES 2003(2), dated 23-2-2004; FD 06 PES 2006(2), dated 19-6-2006; FD 23 PES 2006(3), dated 4-5-2007; FD 10 PES 2009(1), dated 7-1-2011; FD 62 EAA 2011(1), dated 30-4-2012; FD 3 PES 2010(1), dated 30-4-2012; FD 03 PES 2012(1), dated **31-3-2012 and FD 03 PES 2014(III), dated 28-2-2014.)**

GSR 554.—In exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), read with Sections 13 and 16 of the said Act, the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published as required by sub-section (1) of Section 71 of the said Act, in Notification GSR No. 510, in Part IV, Section 2C(i) of the Karnataka Gazette, dated the 23rd November, 1967, namely.—

1. Title, extent and commencement.—(1) These rules may be called the **Karnataka Excise (Brewery) Rules, 1967.**

(2) They shall extend to all the areas in the State of Karnataka where the Karnataka Excise Act, 1965 is in force.

(3) They shall come into force at once.

2. Definitions.—In these rules unless the context otherwise requires,—

(a) "**Act**" means the Karnataka Excise Act, 1965;

(b) "**Commissioner**" means the Excise Commissioner;

(c) "**Deputy Commissioner**" means the Deputy Commissioner of the district in which the Brewery is situated;

(d) "**Inspecting Officer**" means an Officer not below the rank of a Sub-Inspector of Excise appointed to control, supervise, inspect the operations of the Brewery and the storage and issue of Beer therefrom;

(e) "**Laboratory**", means the Laboratory of the Chemical Examiner to the Government of Karnataka;

(f) "**Beer**" means, any liquor prepared from malt or grain with or without the addition of sugar and hops and includes ale, black beer, porter, stout and spruce beer;

(g) "**Brewery**" means a building where Beer is manufactured, and includes every place therein where Beer is stored or issued;

(h) "**Copper**" means any vessel into which either worts or water is boiled or heated in the course of brewing;

[1][(hh) "**Factory Out-let**" means a place which is separated, but contiguous to the Brewery licence premises, where the licensee is permitted to showcase the process and the products manufactured in the Brewery along with facility to sell for consumption or otherwise of beer, serving food *etc.*, to the employees and visitors to the Brewery;]

(i) "**Fermenting Vessel**" means any vessel in which worts are fermented by the action of yeast;

(j) "**Form**" means a form appended to these rules;

(k) "**Gravity**" means the proportion which the weight of a liquid bears to that of an equal bulk of distilled water, the gravity of distilled water at 60° Fahr, being taken to be 1000°;

(l) "**Hop-back**" means any vessel into which worts are run after boiling in order to remove the spent hops;

(m) "**Licence**" means a licence granted for a brewery under the Act or rules framed under the Act;

(n) "**Licensee**" means a holder of a licence;

(o) "**Mashtun**" means any vessel in which malt or grain is exhausted in the course of brewing;

[2][(o1) "**Microbrewery**" means a small brewery with an installed capacity of not more than one thousand liters per day in a place having not less than 10,000 sq.ft. built-up area with spacious dining hall and parking facility, where Draught Beer is manufactured and the same is served to their customers for consumption within the premises;]

(p) "**Racking or settling back**" means any vessel into which worts are passed from a fermenting vessel and racked either at once or after a time into store vats or casks;

1. Clause (hh) inserted by Notification No. FD 3 PES 2010(1), dated 30-4-2012, w.e.f. 30-4-2012.

(q) "**Sugar**" means any saccharine substance, extract or syrup and includes any material capable of being used in brewing except malt or corn;

(r) "**Under back**" means any vessel into which worts run either from the mashtun or hop-back;

(s) "**Wort**" means the liquor obtained by exhaustion of malt or grain or by the solution of saccharine matter in the process of brewing.

3. Application for licence.—(1) Any person desirous of obtaining a licence for a brewery shall apply to the Commissioner in Form No. 1 through the Deputy Commissioner. The application shall be accompanied by a treasury challan for having credited the fee prescribed in Rule 5 and a full description (hereinafter called an "Entry") of the premises or the plan of the proposed building and utensils in which the purpose of and distinguishing marks on each room, place and vessels shall be clearly specified. The entry shall be checked either by the Deputy Commissioner or some other Officer duly authorised by him in this behalf, who will certify to the fact, if he finds it correct, and forward it to the Commissioner, who, if satisfied that permission may be granted to the starting of the brewery with the previous sanction of the Government issue the licence in Form No. 2.

[1][(2) The licensee under these rules may be permitted to sell bulk beer (draught beer) to persons holding licence under the Karnataka Excise (Lease of Right of Vend of Beer) Rules, 1976, on payment of [2][an additional licence fee of [3][rupees two lakhs forty thousand.]]

[4][**3-A. Licensee to sell Beer only to a Distributor Licensee.**—No licensee under these rules shall, sell beer to any person other than one holding a distributor licence under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968:

Provided that such licensee may, with the prior approval of the Excise Commissioner, sell or export beer to a Military Canteen Stores Bonded Warehouse or a Border Security Force Unit or a Para Military Unit located in the State of Karnataka or outside the State, as the case may be, and also export beer outside the State to any person holding a licence:

Provided further that such licensee may, sell draught beer (bulk beer) to a person holding a retail vend of beer licence under the Karnataka Excise (Lease of Right of the Retail Vend of Beer) Rules, 1976.]

[5][**3-A. Licence for factory out-let.**—(1) Any holder of Brewery licence desirous to showcase the process and to sell draught beer or bottled beer and the products manufactured in the licensed premises may apply to the

1. Sub-rule (2), inserted by GSR 67, dated 15-3-1989, w.e.f. 16-3-1989.
2. Substituted for the words "additional licence fee equivalent to ten per cent of the brewery licence" by GSR 129, dated 17-7-1992, w.e.f. 1-7-1992.
3. Substituted for the words "rupees two lakhs" by Notification No. FD 7 PES 2000, dated 24-6-2000, w.e.f. 1-7-2000.
4. Rule 3-A inserted by Notification No. FD 16 PES 2003(iii), dated 30-6-2003, w.e.f.

Commissioner in Form 6 through the Deputy Commissioner along with a challan for having paid the licence fee of rupees two lakh per year. The application shall be accompanied with full description of area separated from manufacturing area, seating arrangement, plan, refreshment room with sufficient accommodation and separate toilet with running water facilities. If the Commissioner is satisfied that licence in Form 7 may be granted to sell bulk beer and bottled beer, he shall issue the same.

(2) The licensee under sub-rule (1) intend to showcase and sell the bottled beer and serve for consumption, he shall obtain the same from KSBCL in accordance with the Karnataka Excise (Possession, Transport, Import and Export of Intoxicants) Rules, 1967.

(3) The licensee under sub-rule (1) shall lift the bulk beer only against the permits issued by the excise officer in charge of brewery in accordance with the Karnataka Excise (Possession, Transport, Import and Export of Intoxicants) Rules, 1967.

(4) The licensee under sub-rule (1) shall issue only bulk beer not exceeding four liters to an employee or a casual visitor of the brewery.

(5) The licensee under sub-rule (1) shall maintain daily accounts and Stock Book-1 as prescribed in Form 8.]

[1][3-B. **Transfer of licence in the event of death of the licensee or lessee.**—In the event of death of the licensee or the lessee, during the currency of the licence or lease, the Excise Commissioner may on an application by the legal heir of the deceased licensee or lessee, transfer the licence or the lease as the case may be in his/her favour, if such legal heir is otherwise eligible for grant of licence under the provisions of the Act or rules made thereunder.

3-C. **Transfer of licence in other cases.**—(1) The Excise Commissioner may on an application by the licensee and subject to payment of transfer fee equivalent to twenty-five per cent of the annual licence fee specified in Rule 5, as the case may be, transfer such licence together with all infrastructure pertaining to the industry in favour of any person named by such licensee, if such person is eligible for grant of a licence under the Act or the rules thereunder.

(2) Nothing in these rules shall apply to transfer of licence under Rule 3-B.]

4. **Renewal of licence.**—(1) Applications for renewal of licences shall be presented at least one month before they expire. Such applications shall be made to the Commissioner through the Deputy Commissioner and it shall be accompanied by a treasury challan for having credited the fee prescribed in Rule 5.

(2) The Commissioner may, if satisfied that the licence may be renewed, renew the same.

[1][5. **Fee for grant or renewal of Licence.**—The fee for grant or renewal of a Brewery licence shall be [2][rupees twenty-seven lakhs] per year.]

[3][5-A. **Additional lease amount.**—In respect of a licence granted unde these rules, an additional licence fee equivalent to fifteen per cent of th licence fee levied under Rule 5, shall be levied for the purpose of variou infrastructure projects across the State, equity investment in Bangalore Mas Rapid Transit Limited and for establishing a Mukhya Manthri Grameen Rasthe Abhivruddhi Nidhi in the proportion of 57:28:15 respectively.]

[4][5-B. **Disqualification.**—(1) A person shall be disqualified fron submitting an application for obtaining or renewal of licence under thes rules if he.—

(i) has not paid the arrears of any excise dues in respect of liquo sold by him; or

[5][(ii) has not produced a valid income-tax clearance certificate or ha not produced any document in proof of filing the latest income tax return before the Income-tax Department in respect of hi income;]

(iii) is holding an office of profit under the State Government o Central Government;

(iv) is a minor or an undischarged insolvent or is of unsound mind;

(v) has been convicted of any cognisable and non-bailable offenc under any Act, or any offence under the Narcotic Drugs an Psychotropic Substances Act, 1985 and Medicinal and Toilet Preparation (Excise Duties) Act, 1955, or an offence unde Section 481, 482, 483, 484, 485, 486, 487 or 489 of the Indian Pen Code, 1860.

Explanation.—For the purposes of this rule, a company, firm or othe body corporate shall be deemed to have incurred the disqualification if th person in charge of and responsible for the conduct of the business of suc company, firm or other body corporate has incurred the disqualification:

[6][Provided that the authority which grants or renews the licence may in th interest of revenue and for any other reason to be recorded in writing relax th provisions of clause (i) and grant or renew the licence.]

1. Rule 5 substituted by GSR 214, dated 1-8-1986 and shall be deemed to have come in force w.e.f. 1-7-1986.
2. Substituted for the words "rupees eighteen lakhs" by Notification No. FD 03 P 2014(III), dated 28-2-2014, w.e.f. 1-7-2014.
3. Rule 5-A substituted by Notification No. FD 36 PES 2003(2), dated 23-2-2004 and shall deemed to have come into force w.e.f. 1-2-2004.
4. Rule 5-B inserted by Notification No. FD 15 PES 99(ii), dated 24-6-2002, w.e.f. 24-6-200
5. Clause (ii) substituted by Notification No. FD 15 PES 99(ii), dated 23-8-2002 and shall deemd to have come into force w.e.f. 24-6-2002.

(2) A person shall not be disqualified under clause (i) of sub-rule (1) if he produces a certificate from a competent Revenue or Excise Officer to the effect that the arrears have been paid.]

[1][5-C. **Fee for granting permission for subleasing of brewery.**—The Excise Commissioner may, on an application made by the licensee, permit subleasing of the brewery licence held by the licensee in favour of any person named by such licensee, who is eligible for grant of licence under the Karnataka Excise Act, 1965 or the rules made thereunder, on payment of ten per cent of the licence fee levied for grant of licence for a brewery under Rule 5, as additional licence fee at the time of granting permission for subleasing and thereafter at the time of renewal of licence every year as long as the sublease continues.]

6. **Duration of licence.**—Every licence granted or renewed under these rules shall not be for a period exceeding one year.

7. **Security to be taken.**—Every licensee shall execute an agreement binding himself, his heirs, legal representatives and assigns to observe the conditions of the licence, hypothecating the brewery buildings, machinery, apparatus together with the stock of Beer, etc., as security for the payment of money which may be due to Government by way of duty, rents or other payment due under the provisions of his licence. If the agreement is not Executed within ten days from the date of approval of the application for licence, the licence shall be cancelled and the licensee shall not be entitled for refund of the fee paid.

[2][7-A. **Deputation of Supervisory Staff.**—The Commissioner may depute such number of Excise Officers as may be necessary at the Brewery for supervision to ensure compliance with the provisions of the Act, Rules made thereunder and the licence. [3][x x x x x.]

[4][7-B. **Attendance of Officers.**—(1) The Deputy Commissioner, with the previous sanction of the Commissioner, shall fix the working hours of the Excise Supervisory staff posted to the Brewery, which shall not exceed eight hours on working days.

(2) If the licensee requires the services of the Excise Supervisory staff, beyond the working hours fixed and on holidays and Sundays, he shall make a requisition in advance in writing to the Inspecting Officer. The Inspecting Officer shall permit the licensee to avail the services of the Excise Supervisory staff [5][x x x x x]].

1. Rule 5-C inserted by Notification No. FD 9 PES 2003(2), dated 5-6-2003, w.e.f. 1-7-2003.
2. Rule 7-A inserted by GSR 111, dated 25-3-1976, and shall be and shall always deemed to have been inserted w.e.f. 1-4-1976.
3. The words "The cost of the establishment including pay, Leave salary and pensionary contribution in respect of such officers shall be paid by the Licensee in advance" omitted by Notification No. FD 06 PES 2006(2), dated 19-6-2006 and shall be deemed to have come into force w.e.f. 1-4-2006.
4. Rule 7-B inserted by GSR 296, dated 10-11-1987, w.e.f. 10-11-1987.
5. The words "subject to the payment of overtime charges at twice the rate of usual emoluments. Every fraction of an hour not less than fifteen minutes shall be treated as one

8. **Control.**—The Inspecting Officer shall take an account of all the operations in the Brewery and it shall be competent for him or any other Officer authorised to inspect the brewery, to enter the building and to visit and examine any room, place or utensil mentioned in the entry at any time either by day or night.

[1][8-A. **Chemical Laboratory.**—(1) The licensee shall establish a well-equipped Chemical Laboratory to the satisfaction of the Excise Commissioner within the premises of the brewery to check the quality of raw materials used and the liquor produced in the brewery which shall be manned by a chemist holding a degree in science with Chemistry as one of the subjects, preferably Organic Chemistry or Bio-Chemistry or specialisation in Alcohol Technology.

(2) The beer produced in the brewery shall be released for sale only after the Chemist referred to in sub-rule (1) certifies that, such beer is fit for human consumption.]

9. **Vessels in Brewery.**—All mashtuns, coppers, coolers, fermenting and racking or settling vessels shall be so placed and fixed and backs so placed as to admit of the contents being accurately gauged or measured. Before taking into use all such vessels shall be gauged by the Inspecting Officer or by such any other Officer as may be deputed by the Deputy Commissioner for the purpose, in the presence of the licensee or his authorised agent, and the tables shall be constructed for showing the total capacity of each vessel in litres and in the case of mashtuns, racking or settling vessels, its capacity for each 1/2 c.m. in depth. In the case of underbacks, coppers and cooler, dimension tables only need be constructed.

10. **Name of each room or vessel to be distinctly marked.**—The name or an abbreviation thereof of each room or vessel shall be conspicuously marked and where more than one room or vessel is used for the same purpose they shall be distinguished by progressive numbers. Any room or vessel entered for a specific purpose shall be used for that purpose only.

11. **Alterations, Repairs, etc.**—No repairs shall be executed or additions or alterations made to either the buildings or the plant without the sanction in writing of the Commissioner. Minor repairs may be made with the written permission of the Deputy Commissioner.

12. **Storage of Beer in Casks.**—Where Beer is stored in casks which are used exclusively for storing and not for issue from the brewery, such casks shall be numbered consecutively and each shall have mark on both heads, its number and capacity which shall be entered in the register kept by the brewer in the form prescribed by the Commissioner and also the number of brew in which the Beer was manufactured.

13. **Gauging Rods.**—The Inspecting Officer shall be provided with proper gauging rods and standard saccharometer and Thermometer to which the licensee has got the approval of the Commissioner.

14. Brewing Book.—The licensee shall keep in the Brewery, a brewing book supplied by the Commissioner. This book shall be the property of Government which shall be accessible for inspection by the Inspecting Officer or any other Officer authorised in this behalf. This shall be replaced every quarter. The entries in this book shall be made by any responsible employee of the licensee, approved by the Deputy Commissioner. There shall be no mutilations or defacement of the entries already made.

15. Brewing Book maintenance.—The brewer shall enter in the proper columns atleast twenty-four hours before beginning to mash malt or grain or to dissolve sugar, the day and hour of brewing and in the "Remarks" column, the consecutive number of the brew and the word "Indian" or "English" as the case may be with date and hour of making entry, and atleast six hours before the time entered for mashing or dissolving, he shall enter separately in the proper columns the quantities of malt or unmalted corn, sugar and of hops or hop-substitutes to be used and the hour when all the worts will be drawn off the grains in the mashtun. He shall also enter in the appropriate columns the dip and gravity of worts collected, the number and description of the vessel or vessels in which they have been collected and the date and hour of the entry. Such entry shall be made within one hour after the collection has been completed and if the worts are not collected before 6 p.m., the entry shall be made before 8 a.m. next morning. If fermentation has started before the requisite entry is made, the brewer shall enter the true original gravity of worts. Each entry shall be initialled by the brewer or his agent.

16. Brewing.—Beer shall be brewed from good materials and its quality shall be such as to satisfy the Commissioner. Wort shall not be brewed of a higher gravity than 1073°. Nothing shall be added to Beer after it has been racked and removed to a Beer store except fining or other materials approved by the Commissioner. Beer, in beer stores must not be diluted and any beer found in stores must not be diluted and any beer found adulterated will be liable to forfeiture. The forfeiture of beer, will not relieve the brewer from the penalty of fine or cancellation of licence prescribed under Rule 23.

17. Surveys.—Officers surveying of breweries shall make complete survey of the whole of the brewery room every day on which they will visit the brewery showing in the proper columns in the survey book, the form of which will be prescribed by the Commissioner, the condition of each vessel and the dip and gravity of each vessel containing fermenting worts, unless such wort shall be fining, when, except in case of suspicion of fraudulent addition or removal of worts, the surface need not be broken. A copy of each survey will be made in a similar book and will be left at the brewery for the information of the brewer.

18. Stock Book.—The licensee shall keep a stock account in such form as may be required by the Commissioner in which he shall duly enter the net quantity of beer brewed, the quantity, if any, returned and brought into stock after verification by the authorised Officers and the total quantity issued.

Commissioner. The stock book shall be checked atleast once in a week by the Inspecting Officer.

19. Corrections, *etc.*, in the accounts.—No entry in any of the books kept by the brewer under these rules shall be erased or overwritten. If there may be any need of correction of any entry, a circle in red ink or pencil should be drawn around the incorrect entry and correct entry be made with the initials of the person incharge. The Inspecting Officer shall initial the corrections during his next inspection. Grave errors shall be reported to the Deputy Commissioner by the Inspecting Officer and his directions shall be acted upon.

20. Samples.—Samples of wort in any stage of fermentation or of stored beer may be taken for analysis without payment by the Inspecting Officer or any Authorised Officer. The Inspecting Officer shall at least once in a quarter, forward the samples of wort in fermentation to the laboratory for analysis. On any other occasion. When the samples of wort or beer are taken, the Inspecting Officer shall submit a special report to the Deputy Commissioner explaining the reasons and the nature of analysis required. Samples of brewing material shall be taken only if required, by the Commissioner. When, however, there is large discrepancy between the quantity of malt or unmalted corn entered in the brewing book and that of the grains in the mashtun, a sample of the grains should be taken and at once sent for analysis with a copy of entry in the brewing book, the dip of the grains in the mashtun, the quantity represented by the dip and the percentage or increase or decrease. On this report and after examination of the samples, the Commissioner will pass such orders as he thinks fit.

21. Stock taking.—The stock of the beer in every brewery shall be taken atleast twice in each year by the Inspecting Officer or such other Officer authorised. Stock shall only be taken at other times by the Inspecting Officer or any other Officer so authorised, if there is any suspicion of fraudulent practices. In the former case immediate report shall be submitted to the Deputy Commissioner and in the latter, to the Commissioner, along with the explanation of the brewer for any excess or deficiency exceeding one per cent and any orders passed thereon shall be executed.

22. The charging and collection of duty.—The duty on all the beer from the brewery for the purpose of consumption shall be paid at such rate as may be prescribed by the Government from time to time, into the Government Treasury, and the relative challan produced before the issue of the necessary permits. The Inspecting Officer shall submit a statement showing the quantity of beer issued and the amount of duty collected thereon every month to the Deputy Commissioner and a copy to the Commissioner.

23. Refund when and how made.—Where it is found that the brewer has paid any excess amount, he may claim its refund and if on verification his claim is found to be correct, the amount shall be refunded or adjusted towards the duty on any subsequent issues, the relevant entries being made under the initials of the Inspecting Officer in the permits towards which the

[1][24. Quarters.—x x x x x.]

25. Breach of Rules.—In case of any breach of these rules or conditions of licence either by the licensee or by his employees, the Commissioner may suspend or cancel the licence or both and the licensee shall not be entitled to any compensation. The suspension or cancellation shall not prevent the prosecution of any person for any offence which he may commit against the provisions of the Karnataka Excise Act, 1965 or other law for the time being in force. If, on prosecution, the licensee or his employee is convicted by the Court. It shall be lawful for the Commissioner to declare his licence forfeited.

26. The licensee to be bound by all additional Rules.—The brewer (licensee) shall be bound by all the additional rules for the control of breweries which may hereafter be prescribed under the existing law or under any law which may hereafter be enacted and by all special orders issued by the Commissioner with regard to individual brewery and shall cause all persons employed by him in his breweries to obey all such rules.

27. Appeal.—(1) Except as otherwise provided, an appeal shall lie,—

(a) to the Deputy Commissioner from any order or proceedings taken under these rules by the Inspecting Officer or any other Officer authorised by him;

(b) to the Commissioner from any order passed or proceedings taken or any appellate order passed by the Deputy Commissioner.

(2) The appeal under clause (a) of sub-rule (1) shall be preferred within sixty days and the appeal under clause (b) of sub-rule (1) shall be preferred within ninety days of the communication of the order appealed against.

[2][27-A. Grant of licence for Microbrewery.—Any person who desirous of obtaining a licence for a Microbrewery shall apply to the Excise Commissioner in Form 4 through the Deputy Commissioner. The Application shall be accompanied by a treasury challan for having credited the fee specified in sub-rule (2) and full description of the premises, utensils and installed capacity of the Plant per day. The detailed in the application shall be checked either by the Deputy Commissioner or some other Officer duly authorised by him in this behalf, who shall certify to the fact, if he finds it correct, and forward it to the Commissioner. The Commissioner may grant Micro-brewery licence subject to conditions and restrictions specified in the Karnataka Excise Licences (General Conditions) Rules, 1967.]

28. Repeal and Savings.—All rules corresponding to the foregoing rules framed under any enactment repealed by Section 72 of the Act are hereby repealed:

Provided that the repeal shall not effect,—

(a) the previous operation of the rules so repealed or anything duly done or suffered thereunder, or

1. Rule 24 omitted by Notification No. FD 62 EAA 2011(1), dated 30-4-2012, w.e.f. 30-4-2012.

(b) any right, privilege, obligation or liability accrued or incurred under any rule so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any rule so repealed, or

(d) any investigation or legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rules had not been repealed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instructions or direction issued, form, certificate obtained, permit or licence granted or registration effected under any such rules), shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act or these rules, as the case may be.

FORM 1

[See Rule 3]

APPLICATION FOR THE BREWERY LICENCE

To Court fee stamp of Rs. 2

The Excise Commissioner in Karnataka, Bangalore.

1. Name or names of the applicant with full postal address.

2. The amount of capital proposed to be invested.

3. The name of the place and the site in which the building for housing the brewery is situated (description and plans of the building to be furnished).

4. Description of the vessels and other permanent apparatus.

5. Approximate production capacity of the Brewery.

6. Date from which the applicant desires to start the Brewery.

[1][7. x x x x x]

[2][8. x x x x x]

9. Whether the applicant has enclosed the treasury challan for having credited the prescribed licence fees in favour of the Government.

DECLARATION

1. I/We hereby declare that the particulars mentioned in the application are correct.

1. Entries relating to Sl. No. 7 omitted by Notification No. FD 06 PES 2006(2), dated 19-6-2006 and shall be deemed to have come into force w.e.f. 1-4-2006.

Rules *Page No.*

[1]THE KARNATAKA EXCISE (LEASE OF THE RIGHT OF [2][RETAIL VEND OF WINE OR FORTIFIED WINE]) RULES, 2008

(As amended by Notification Nos. FD 20 PES 2005, dated 22-6-2009 and FD 03 PES 2012(IV), dated 31-3-2012)

Whereas, the draft of the Karnataka Excise (Lease of Right of Retail Ven of Wine) Rules, 2008 was published as required by sub-section (1) of th Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), i Notification No. FD 20 PES 2005(I), Bangalore, dated 1st July, 2008, in Part I\ Section 2-C(1) of the Karnataka Gazette, Extraordinary No. 673, dated 1 July, 2008, inviting objections and suggestions from all persons likely to b affected thereby within thirty days from the date of publication of the draft i the Official Gazette.

And whereas, the said Gazette was made available to the public on 1 July, 2008.

And whereas, the objections and suggestions received within the peric specified above, have been considered by the Government.

Now, therefore, in exercise of the powers conferred by Section 71 of th Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965), the Government Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the Karnatal **Excise (Lease of the Right of [3][Retail Vend of Wine or Fortified Wine Rules, 2008.**

(2) These rules shall come into force from the date of their publication the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires.-

(1) **"Act"** means the Karnataka Excise Act, 1965;

(2) **"Form"** means a form appended to these rules;

(3) **"Fortification"** means the process of manufacturing fortifi wine;

1. Published in the Karnataka Gazette, Extraordinary No. 1078, dated 27-9-2008, v. Notification No. FD 20 PES 2005(III), dated 27-9-2008.
2. Substituted for the words "Retail Vend of Wine" by Notification No. FD 03 F 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

[1][(4) "**Fortified wine**" means Wine or Fruit Wine, the alcoholic strength of which has been increased by the addition of Neutral Spirit or Rectified Spirit or pure fruit Brandy and which has alcoholic strength of not more than 16% volume by volume and fruit wine content of not less than 7% volume by volume;]

(5) "**Lease**" means the lease of the right of the retail vend of wine granted under these rules;

(6) "**Licence**" means a licence issued under these rules;

(7) "**Wine**" means the fermented juice of ripe grapes or other fruits with or without the addition of sugar or jaggery, containing self-generated alcohol, including sparkling wine but does not include fortified wine;

(8) "**Year**" means the year commencing on the first day of July and ending with the 30th day of June of the next calendar year;

(9) "**Wine tavern**" means a place for [2][retail vend of wine or fortified wine] for consumption with or without eatable.

[3][(10) "**Wine boutique**" means a place for [4][retail vend of wine or fortified wine] in sealed bottles only;]

3. Application for grant of lease.—[5][(1) [6][An application for lease of right : retail vend of wine or fortified wine] in a wine tavern or/in a wine utique or for both shall be made to the Deputy Commissioner of the strict in Form LFW-I accompanied by a treasury challan for having edited the lease amount to the Government.

(2) The Deputy Commissioner shall while granting licence under these es have due regard to.—

(a) in case of a Wine Tavern.—

(i) the availability of rooms for serving wine along with eatables for consumptions;

(ii) adequate seating arrangements;

(iii) the provision for separate toilet with running water facilities for men and women;

Clause substituted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

Substituted for the words "retail vend of wine" by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

Clause (10) inserted by Notification No. FD 20 PES 2005, dated 22-6-2009, w.e.f. 23-6-2009.

Substituted for the words "retail vend of wine" by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

Sub-rules (1) and (2) substituted by Notification No. FD 20 PES 2005, dated 22-6-2009, w.e.f. 23-6-2009.

Substituted for the words "An application for lease of right of retail vend of wine" by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

(i) that a minimum built up floor area of 200 sq. ft. of RCC; or

(ii) if the licence is located in any super markets, mall etc., the total floor area of such super market etc., less than 15,000 sq. ft.]

(3) Where the applicant for a licence is a firm, the name particulars of all the partners shall be mentioned in the applicat licence is granted to the applicant, the names of all the partners shall be entered in the licence. No additional partners shall be admitted to the firm after the granting of a licence unless the Deputy Commissioner on an application made to him in writing agrees to alter the licence, and to add the name or names of the partners in the licence.

4. Grant of lease.—On receipt of the application under Rule 3, the Deputy Commissioner after such enquiry as he deems fit, and if he is satisfied may grant the lease for the retail sale of wine in Form LFW-II.

[1][**5. Lease Amount.**—The amount for grant of lease shall be rupees one thousand for wine tavern and rupees five thousand for a wine boutique per annum].

6. Security.—The lessee shall before grant of licence furnish a sum of rupees one thousand by way of security either in cash or securities approved by the Government for the fulfillment of the conditions of the licence.

7. Licence.—(1) The Deputy Commissioner after the grant of lease under Rule 4 and on furnishing of security by applicant under Rule 6 shall issue a licence to the lessee in Form LFW-III.

(2) The licence granted under sub-rule (1), shall be subject to the conditions specified therein and valid for a year or where the licence obtained on any date after the first day of July until the 30th day of June of the next calendar year.

8. Renewal of lease.—(1) The lessee shall apply for renewal of lease in Form LFW-I to the Deputy Commissioner thirty days before the expiry of lease granted under Rule 4, accompanied by a treasury challan for having credited the prescribed lease amount.

(2) On receipt of the application under sub-rule (1), the Deputy Commissioner may renew the lease for a period of one year.

9. Renewal of licence.—On the renewal of lease under Rule 8, the Deputy Commissioner shall renew the lease in Form LFW-II and issue a licence to the lessee in Form LFW-III.

10. Occasional licence.—The Deputy Commissioner may issue an occasional licence in Form LFW-IV for [2][sale and consumption of Wine or Fortified Wine at Wine festivals/fares] conducted by the Karnataka Wine

1. Rule 5 substituted by Notification No. FD 20 PES 2005, dated 22-6-2009, w.e.f. 23-6-2009.
2. Substituted for the words "sale and consumption of Wine at Wine festivals/fares" by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

Board or for consumption on such other occasion or gathering as the Deputy Commissioner may deem fit at a fee of Rs. 1000/-per day.

[1][10-A. **Sale of Wine or Fortified Wine.**—The distributor Licensee under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968 may sell Wine or Fortified Wine to a person holding a licence under these rules.]

11. Repeal and savings.—Karnataka Excise (Lease of the Right of Retail Vend of Wine) Rules, 1985 are hereby repealed:

Provided that the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder or affect any right, liability or obligation acquired or accrued under the said rules.

FORM LFW-I

[See Rule 3]

[2][Application for grant of lease to retail sale of wine [3][or fortified wine]]

1. Name and address of the applicant
2. If the applicant is a company/firm the name and addresses of the Directors of Company/partners of the firm
3. The location of the premises where the applicant desires to sell the wine [4][or fortified wine] with boundaries:

   [5][(a) in the wine tavern; or

   (b) in the wine boutique or both.]
4. Whether the prescribed fee amount has been paid? If so, the treasury, challan number and date for having credited the lease amount
5. Whether the following documents are enclosed?

   (a) Original Treasury Challan

   (b) Blue print of the premises/taverns in triplicate
6. Name and address of the employees if any?

Date: Signature of the applicant.

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1. Rule 10-A inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.
2. Substituted for the heading "Application for grant of lease to sell wine" by Notification No. FD 20 PES 2005, dated 22-6-2009, w.e.f. 23-6-2009.
3. Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.
4. Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

[1][FORM LFW-II

[See Rule 4]

Lease for the Retail Sale of Wine [2][or Fortified Wine]

1. Registration No.:
2. Name and address of the licensee:
3. Name of the employee:
4. Location of the premises/wine tavern:

   (a) Door No.:

   (b) Street:

   (c) Location of the wine tavern/wine boutique:

   (d) City/Town/Village:

I .... the Deputy Commissioner .... District consideration of the payment of the lease amount of Rs. 1,000 (Rup Thousand only) in case of wine tavern and Rs. 5,000 (Rupees Five thousa only) in case of wine boutique do hereby authorise Sri .... residing at .... to sell wine [3][or fortified wine] at premises .... situated in .... subject to the conditions specified in licence Form LFW-III.

Schedule showing the boundaries of the premises/wine taverns/w boutique.

Date: Signature of the Issuing Authority with sea

FORM LFW-III

[See Rule 7]

Licence for the Retail Vend of Wine [4][or Fortified Wine]

1. Register No.
2. Name of licencee
3. Name of the employee

[5][4. Place: Premises/wine tavern/wine boutique.—

(a) Door No.

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1. Form LFW-II substituted by Notification No. FD 20 PES 2005, dated 22-6-2009, v 23-6-2009.
2. Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.
3. Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.
4. Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

[1][4-B. **Disqualification.**—(1) A person shall be disqualified from submitting an application for obtaining or renewal of licence under these rules if he.—

(i) has not paid the arrears of any excise dues in respect of liquor sold by him;

[2][(ii) has not produced a valid income-tax clearance certificate or has not produced any document in proof of filing the latest income-tax return before the Income-tax Department in respect of his income;]

(iii) is holding an office of profit under the State Government or Central Government;

(iv) is a minor or an undischarged insolvent or is of unsound mind;

(v) has been convicted of any cognisable and non-bailable offence under any Act, or any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 and Medicinal and Toilets Preparation (Excise Duties) Act, 1955, or an offence under Section 481, 482, 483, 484, 485, 486, 487 or 489 of the Indian Penal Code, 1860.

Explanation.—For the purposes of this rule, a company, firm or other body corporate shall be deemed to have incurred the disqualification if the person in charge of and responsible for the conduct of the business of such company, firm or other body corporate has incurred the disqualification.

[3][Provided that the authority which grants or renews the licence may in the interest of revenue and for any other reason to be recorded in writing relax the provisions of clause (i) and grant or renew the licence.]

(2) A person shall not be disqualified under clause (i) of sub-rule (1) if he produces a certificate from a competent Revenue or Excise Officer to the effect that the arrears have been paid.]

[4][5. **Grant of Licence.**—On receipt of the application under Rule 4, [5][and subject to the provisions specified in Rule 4-A] the Deputy Commissioner or the Excise Commissioner, as the case may be, may require such other particulars as he may deem necessary and may make inquiries for verification of the particulars furnished by the applicant and also such other inquiries as he deems fit. If the Deputy Commissioner or the Excise Commissioner, as the case may be is satisfied that there is no objection to grant the licence applied for, he may grant the licence on payment of the fee prescribed under Rule 8 for such licence:

1. Rule 4-B inserted by Notification No. FD 15 PES 99(i), dated 24-6-2002, w.e.f. 24-6-2002.
2. Clause (ii) substituted by Notification No. FD 15 PES 99(i), dated 23-8-2002 and shall be deemed to have come into force w.e.f. 24-6-2002.
3. Proviso inserted by Notification No. FD 15 PES 99(i), dated 23-8-2002 and shall be deemed to have come into force w.e.f. 24-6-2002.
4. Rule 5 substituted by GSR 344, dated 14-10-1976, w.e.f. 28-10-1976.

Provided that no such licence shall be granted by the Deputy Co[...] sioner except with the previous sanction of the Excise Commissioner.]

[1][Provided further that while considering the applications for grant o[...] [2][or CL-7D] licence, the Deputy Commissioner shall ensure that the appli[...] in a position to provide good accommodation and facilities to the custome[...] the standard of refreshments, food and service are provided for. If the [...] Commissioner is of the opinion that the hotel or the boarding house do[...] conform to the minimum standard required for running a hotel or bo[...] house or not suitable to grant licence, he may reject such application after[...] reasons therefor.]

CASE LAW

R. 5 — Licence — Grant of.

Jagannatha Shetty, J.—A rival trader has no right to be heard [...] considering an application for licence. The grant of licence under the [...] Rules is not controlled by the population of the area — *Sardar Ratan [...] Excise Commissioner*, **1974(2) Kar. L.J. Jr. 75 Sh.N. 287.**

Rule 5 — Original licence was issued — Writ seeking renewal [...] licence — Due enquiry followed — Application for renewal under R[...] for the year 2014-2015 filed — Deputy Commissioner called up[...] petitioners to furnish copies of records of the building as well [...] conversion order for diversion of the land over which the shop premi[...] constructed — Deputy Commissioner did not exercise of jurisdiction [...] in him — Held, petitions are allowed in part and the Deputy Commi[...] is directed to consider petitioners' application for renewal of CL-2 li[...]

Ram Mohan Reddy, J., Held: Petitioners when issued with CL-2 licer[...] due enquiry and following Rule 5 of the Karnataka Excise (Sale of Ind[...] Foreign Liquors) Rules, 1968, filed an application for transfer of licen[...] Kundapur to Udupi in the year 2009, whence Deputy Commissioner [...] regard to Rule 23 of the Karnataka Excise Licences (General Con[...] Rules, 1967 and Rule 5 over restriction of location of the shop permi[...] shifting to Udupi. Thereafterwards, on an application under Rule 5-[...] Rules, licence was renewed for the years 2010-2011, 2011-2012, 2012-2[...] 2013-2014. . . . . . The fact that the Deputy Commissioner did not e[...] jurisdiction vested in him under Rule 5-A to dispose of the pet[...] application before 30-6-2014 is a clear indicator of denial of the pet[...] right of renewal. Although learned HCGP submits that there is no [...] exercise of jurisdiction, yet again, I am afraid the very fact that he [...] exercise jurisdiction vested in him before 30-6-2014 tantamo[...] non-exercise of jurisdiction vested in him, calling forth interferenc[...] *Saritha S. Hegde and Another v The Deputy Commissioner, Udupi [...] Manipal and Another*, **2014(4) Kar. L.J. 365.**

1. Second proviso to Rule 5 inserted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.
2. Inserted by Notification No. FD 09 PES 2014(1), dated 15-12-2014, w.e.f. 16-12-[...]

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[1][4-B. **Disqualification.**—(1) A person shall be disqualified from submitting an application for obtaining or renewal of licence under these rules if he.—

(i) has not paid the arrears of any excise dues in respect of liquor sold by him;

[2][(ii) has not produced a valid income-tax clearance certificate or has not produced any document in proof of filing the latest income-tax return before the Income-tax Department in respect of his income;]

(iii) is holding an office of profit under the State Government or Central Government;

(iv) is a minor or an undischarged insolvent or is of unsound mind;

(v) has been convicted of any cognisable and non-bailable offence under any Act, or any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 and Medicinal and Toilets Preparation (Excise Duties) Act, 1955, or an offence under Section 481, 482, 483, 484, 485, 486, 487 or 489 of the Indian Penal Code, 1860.

Explanation.—For the purposes of this rule, a company, firm or other body corporate shall be deemed to have incurred the disqualification if the person in charge of and responsible for the conduct of the business of such company, firm or other body corporate has incurred the disqualification.

[3][Provided that the authority which grants or renews the licence may in the interest of revenue and for any other reason to be recorded in writing relax the provisions of clause (i) and grant or renew the licence.]

(2) A person shall not be disqualified under clause (i) of sub-rule (1) if he produces a certificate from a competent Revenue or Excise Officer to the effect that the arrears have been paid.]

[4][5. **Grant of Licence.**—On receipt of the application under Rule 4, [5][and subject to the provisions specified in Rule 4-A] the Deputy Commissioner or the Excise Commissioner, as the case may be, may require such other particulars as he may deem necessary and may make inquiries for verification of the particulars furnished by the applicant and also such other inquiries as he deems fit. If the Deputy Commissioner or the Excise Commissioner, as the case may be is satisfied that there is no objection to grant the licence applied for, he may grant the licence on payment of the fee prescribed under Rule 8 for such licence:

1. Rule 4-B inserted by Notification No. FD 15 PES 99(i), dated 24-6-2002, w.e.f. 24-6-2002.
2. Clause (ii) substituted by Notification No. FD 15 PES 99(i), dated 23-8-2002 and shall be deemed to have come into force w.e.f. 24-6-2002.
3. Proviso inserted by Notification No. FD 15 PES 99(i), dated 23-8-2002 and shall be deemed to have come into force w.e.f. 24-6-2002.
4. Rule 5 substituted by GSR 344, dated 14-10-1976, w.e.f. 28-10-1976.
5. Inserted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.

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[1][5. Fee for grant or renewal of Licence.**—The fee for grant or renewal of a Brewery licence shall be [2][rupees twenty-seven lakhs] per year.]

[3][**5-A. Additional lease amount.**—In respect of a licence granted under these rules, an additional licence fee equivalent to fifteen per cent of the licence fee levied under Rule 5, shall be levied for the purpose of various infrastructure projects across the State, equity investment in Bangalore Mass Rapid Transit Limited and for establishing a Mukhya Manthri Grameena Rasthe Abhivruddhi Nidhi in the proportion of 57:28:15 respectively.]

[4][**5-B. Disqualification.**—(1) A person shall be disqualified from submitting an application for obtaining or renewal of licence under these rules if he.—

(i) has not paid the arrears of any excise dues in respect of liquor sold by him; or

[5][(ii) has not produced a valid income-tax clearance certificate or has not produced any document in proof of filing the latest income-tax return before the Income-tax Department in respect of his income;]

(iii) is holding an office of profit under the State Government or Central Government;

(iv) is a minor or an undischarged insolvent or is of unsound mind;

(v) has been convicted of any cognisable and non-bailable offence under any Act, or any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 and Medicinal and Toilets Preparation (Excise Duties) Act, 1955, or an offence under Section 481, 482, 483, 484, 485, 486, 487 or 489 of the Indian Penal Code, 1860.

Explanation.—For the purposes of this rule, a company, firm or other body corporate shall be deemed to have incurred the disqualification if the person in charge of and responsible for the conduct of the business of such company, firm or other body corporate has incurred the disqualification:

[6][Provided that the authority which grants or renews the licence may in the interest of revenue and for any other reason to be recorded in writing relax the provisions of clause (i) and grant or renew the licence.]

1. Rule 5 substituted by GSR 214, dated 1-8-1986 and shall be deemed to have come into force w.e.f. 1-7-1986.
2. Substituted for the words "rupees eighteen lakhs" by Notification No. FD 03 PES 2014(III), dated 28-2-2014, w.e.f. 1-7-2014.
3. Rule 5-A substituted by Notification No. FD 36 PES 2003(2), dated 23-2-2004 and shall be deemed to have come into force w.e.f. 1-2-2004.
4. Rule 5-B inserted by Notification No. FD 15 PES 99(ii), dated 24-6-2002, w.e.f. 24-6-2002.
5. Clause (ii) substituted by Notification No. FD 15 PES 99(ii), dated 23-8-2002 and shall be deemd to have come into force w.e.f. 24-6-2002.
6. Proviso inserted by Notification No. FD 15 PES 99(ii), dated 23-8-2002 and shall be deemd to have come into force w.e.f. 24-6-2002.

ಅನುಬಂಧ–8

ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ: 516 (647) ರ ಕ್ರಸ (ಆ) ಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾಹಿತಿ

ಕ್ರ. ಸಂ.	ಕಡತ ಸಂಖ್ಯೆ	ಅಧಿಕಾರಿ / ನೌಕರರ ಹೆಸರು ಪದನಾಮ ಶ್ರೀಯುತ/ಶ್ರೀಮತಿ	ವಿಷಯ	ಜರುಗಿಸಲಾದ ಕ್ರಮ
1)	ಇಸಿಇ/14/ಸಿಆರ್ ಎಂ/ಬೆಂ(ಪೂ)/2017-18/ ಡಿಎಸ್‌ಸಿ(1)	1) ಶ್ರೀಮತಿ ಶೈಲಜಾ ಎ. ಕೋಟೆ, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು 2) ಶ್ರೀ ಜೆ. ಗಿರಿ, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು 3) ಶ್ರೀ ಪಿ. ಚಂದ್ರು, ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು 4) ಶ್ರೀಮತಿ ಕವಿತಾ ಕೆ. ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು 5) ಶ್ರೀಮತಿ ಗೀತಾ ಡಿ. ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು	ಬೆಂಗಳೂರು ನಗರ (ಪೂರ್ವ) ಜಿಲ್ಲೆಯ ರಾಜಮಹಲ್ ವಿಲಾಸ ವಲಯ ವ್ಯಾಪ್ತಿಯ ಸಹಕಾರ ನಗರದಲ್ಲಿರುವ ಮೆ: ನೇಸರ ಗ್ರಾಂಡ್ ಬಾರ್ ಅಂಡ್ ರೆಸ್ಟೋರೆಂಟ್ ಎಂಬ ಹೆಸರಿನ ಸಿ.ಎಲ್–9 ಸನ್ನದು ಎರಡೂ ವಲಯ ವ್ಯಾಪ್ತಿಗಳಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸಲು ಕಾರಣರಾದ ಅಧಿಕಾರಿ/ನೌಕರರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮದ ಕುರಿತು	ತಪ್ಪಿತಸ್ಥ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಆದೇಶಿಸಲಾಗಿದ್ದು, ವಿಚಾರಣೆ ಚಾಲ್ತಿಯಲ್ಲಿರುತ್ತದೆ.

ಆಇ 07 ಇಎಲ್‌ಕ್ಯೂ 2021

ಅನುಬಂಧ-9

ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ: 516 (647) ರ ಕ್ರಸ (ಇ) ಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾಹಿತಿ

ಕ್ರ. ಸಂ.	ಕಡತ ಸಂಖ್ಯೆ	ಅಧಿಕಾರಿ / ನೌಕರರ ಹೆಸರು ಪದನಾಮ ಶ್ರೀಯುತ/ಶ್ರೀಮತಿ	ವಿಷಯ	ಜರುಗಿಸಲಾದ ಕ್ರಮ
1)	ಇಸಿಇ/ಬಿಎನ್‌ಜಿ/10/ ಡಿಎಸ್‌ಸಿ (1)/2009	ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಗದ್ದಿ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ(ಪಶ್ಚಿಮ) ಮತ್ತು ಇತರರು	ಮೆ: ಹೋಟೆಲ್ ಬಸಂತ್ ರೆಸಿಡೆನ್ಸಿ ನಿಯಮ ಬಾಹಿರವಾಗಿ ಸನ್ನದು ಮಂಜೂರಾತಿ ಹಾಗೂ ನವೀಕರಣ ಮಾಡಿರುವ ಬಗ್ಗೆ.	ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಆಇ 100 ಇಪಿಎಸ್ 2017, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 10.09.2020 ರಲ್ಲಿ ಗಾಂಧಿನಗರ, ಬೆಂಗಳೂರು ಇಲ್ಲಿನ ಬಸಂತ್ ರೆಸಿಡೆನ್ಸಿ ಹೊಟೆಲ್ಗೆ ಸಿಎಲ್-7 ಸನ್ನದು ನವೀಕರಣ ಪ್ರಕರಣದಲ್ಲಿ ಶ್ರೀ ಎಂ. ಎಸ್. ತಾಂಬೋಳಿ ಮತ್ತು ಶ್ರೀ. ಮಲ್ಲಿಕಾರ್ಜುನ ಗದ್ದಿ, ಅಂದಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ ಹಾಗೂ ಶ್ರೀ.ವೆಂಕಟರಮಣಯ್ಯ, ಅಂದಿನ ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ಕಛೇರಿ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಇವರ ಮೇಲಿನ ಆರೋಪಗಳು ಇಲಾಖಾ ವಿಚಾರಣೆಯಲ್ಲಿ ಸಾಬೀತಾಗಿರುವುದರಿಂದ ಸರ್ಕಾರವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಾವಳಿಗಳ ನಿಯಮ 214 (1) (ಬಿ) ರಡಿ ಶ್ರೀ.ಎಂ.ಎಸ್.ತಾಂಬೋಳಿ, ಶ್ರೀ. ಮಲ್ಲಿಕಾರ್ಜುನ ಗದ್ದಿ ಹಾಗೂ ಶ್ರೀ.ವೆಂಕಟರಮಣಯ್ಯ ಇವರ ಪಿಂಚಣಿಯಲ್ಲಿ ಶೇ 20 ರಷ್ಟನ್ನು 03 ವರ್ಷಗಳ ಅವಧಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಿ ಆದೇಶಿಸಿರುತ್ತದೆ.

2)	ಇಸಿಇ/ಬಿಎನ್‌ಜಿ/19/ ಡಿಎಸ್‌ಸಿ (1)/2014	1. ಶ್ರೀ ಜಗದೀಶ್ ನಾಯಕ್, ಅಂದಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು 2. ಶ್ರೀ ಯೋಗಾನಂದ್, ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು, 3. ಶ್ರೀ ವೈ ಭರತೇಶ್, ಅಬಕಾರಿ ಅಧೀಕ್ಷಕರು 4. ಶ್ರೀ ಸುರೇಶ ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು 5. ಶ್ರೀ ಗೋಪಾಲ ಕೃಷ್ಣಗೌಡ, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು ಮತ್ತು ಇತರೆ ಗ್ರೂಪ್-ಸಿ ವೃಂದದ ನೌಕರರುಗಳು ವಿರುದ್ಧ ಜಂಟಿ ಪ್ರಕರಣ 6. ಶ್ರೀ ಕಮಲಾಕರ್ ಬಿ. ಹೆಗಡೇಕರ್, ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು	ಶ್ರೀ.ವೈ, ವೆಂಕಟೇಶ್, ಇವರಿಗೆ ನಂ: 256/ಎ/1, ಬೊಮ್ಮಸಂದ್ರ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ, ಹೊಸರು, ಮುಖ್ಯರಸ್ತೆ, ಆನೇಕಲ್ ತಾಲ್ಲೂಕು ಬೆಂಗಳೂರು ಇಲ್ಲಿಗೆ ನಿಯಮ ಬಾಹಿರವಾಗಿ 2002-03 ನೇ ಸಾಲಿಗೆ ಸಿಎಲ್-7 ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡಲು ಹಾಗೂ 2013-14 ನೇ ಸಾಲಿನವರೆಗೆ ನವೀಕರಿಸಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿದ ಅಧಿಕಾರಿ/ನೌಕರರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸುವ ಕುರಿತು.	ಪ್ರಕರಣದಲ್ಲಿನ ತಪ್ಪಿತಸ್ಥ ಅಧಿಕಾರಿಯಾದ ಶ್ರೀ ಕಮಲಾಕರ್ ಬಿ ಹೆಗಡೇಕರ್, ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು, ಇವರ ಮೇಲೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಚಾಲ್ತಿಯಲ್ಲಿರುತ್ತದೆ.
3)	ಇಸಿಇ/ಬಿಎನ್‌ಜಿ/07/ ಡಿಎಸ್‌ಸಿ (1)/2015	1) ಶ್ರೀ ಜೆ. ಗಿರಿ, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು 2. ಶ್ರೀ ಎಂ. ನಟರಾಜ್, ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು 3. ಶ್ರೀ ಶಿವಕುಮಾರ್.ಎಸ್, ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು	ಶ್ರೀ ಎನ್. ಶ್ರೀನಿವಾಸ್ ಬಿನ್ ನೀಲಗೌಡ ಇವರಿಗೆ ಅಬಕಾರಿ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಸರ್ವೆ ನಂ.31/3, ಮೈಲಾಪುರ ಗೇಟ್, ಜಡಿಗೇಹಳ್ಳಿ ಹೋಬಳಿ, ಹೊಸಕೋಟೆ ತಾಲ್ಲೂಕು ಇಲ್ಲಿಗೆ 2012-13 ನೇ ಸಾಲಿಗೆ ಹೊಸದಾಗಿ ಸಿಎಲ್-7 ಸನ್ನದು ಮಂಜೂರು ಮಾಡಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿದ ಅಧಿಕಾರಿ / ನೌಕರರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸುವ ಕುರಿತು.	ದೂರುದಾರರು ಸರ್ಕಾರಕ್ಕೆ ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿದ್ದು, ಸರ್ಕಾರದ ಹಂತದಲ್ಲಿ ಪ್ರಕರಣ ಮುಕ್ತಾಯಗೊಂಡಿರುತ್ತದೆ.

4)	ಇಸಿಇ/06/ಹೊಸಪೇ / ಡಿಎಸ್‌ಸಿ(2)/ /2015	1) ಶ್ರೀ ಎಲ್.ಎ.ಅದ್ವಾನಿ, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು (ನಿವೃತ್ತರು) ಗದಗ ಜಿಲ್ಲೆ 2) ಶ್ರೀ ವಿವೇಕಾನಂದ ಮಂಕಾಳೆ, ಅಬಕಾರಿ ಉಪ ನಿರೀಕ್ಷಕರು ಮುಂಡರಗಿ ವಲಯ	ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ದೇಶಿ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು 1968ರ ನಿಯಮ 3(7) ರಲ್ಲಿನ ಅಗತ್ಯಗಳನ್ನು ಪೂರೈಸದೇ ಇದ್ದರೂ ಸಹಾ ಅಶೋಕ ಲಾಡ್ಜ್ ನ 2013–14 ಮತ್ತು 2014–15ನೇ ಸಾಲಿನ ಸಿ.ಎಲ್–7 ಸನ್ನದು ಮಂಜೂರು ಮಾಡಲು ಮೇಲಧಿಕಾರಿಗಳಿಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವ ಕುರಿತು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಗದಗ, ದೂರು ವಿಚಾರಣೆ.	ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ ಇವರ ಹಂತದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ಚಾಲ್ತಿಯಲ್ಲಿರುತ್ತದೆ.
5)	ಇಸಿಇ/02/ಎಂವೈಎಸ್/ ಡಿಎಸ್‌ಸಿ(2)/ 2016	ಶ್ರೀ ಗಂಗಾಧರ್ ಹೆಚ್. ಮುದೆಣ್ಣವರ್, ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು, ಹುಣಸೂರು ಉಪ ವಿಭಾಗ, ಮೈಸೂರು ಜಿಲ್ಲೆ	ಇವರು ಡಿ.ಬಿ. ಕುಪ್ಪೆ ಗ್ರಾಮ ಪಂಚಾಯ್ತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿರುವ ಬಾವಲಿ ಗ್ರಾಮದಲ್ಲಿ ಇರುವ ಅಕ್ರಮ ರೆಸಾರ್ಟ್ಸ್ ಹಾಗೂ ಬಾರ್ ನ್ನು ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಸನ್ನದುಗಳು (ಸಾಮಾನ್ಯ ಷರತ್ತು) ನಿಯಮಗಳು 1967 ರ ನಿಯಮ 5(1) ರಡಿಯಲ್ಲಿ ಆಕ್ಷೇಪಣಾ ಸ್ಥಳದಲ್ಲಿದ್ದರೂ ಸಿ.ಎಲ್–7 ಸನ್ನದು ಮಂಜೂರು ಮಾಡಲು ಮೇಲಧಿಕಾರಿಗಳಿಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವುದು.	ಇಲಾಖಾ ವಿಚಾರಣೆ ಚಾಲ್ತಿಯಲ್ಲಿರುತ್ತದೆ.

6)	ಇಸಿಇ/02/ಎಂವೈಎಸ್/ಡಿಎಸ್‌ಸಿ(2)/ 2015	ಶ್ರೀ ಗಂಗಾಧರ್ ಹೆಚ್. ಮುದಣ್ಣನವರ್, ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು, ಹುಣಸೂರು ಉಪ ವಿಭಾಗ, ಮೈಸೂರು ಜಿಲ್ಲೆ	ಶ್ರೀ ರಾಘವೇಂದ್ರ ರೆಸಿಡೆನ್ಸಿ, ಹುಣಸೂರು ತಾಲ್ಲೂಕು, ಇವರಿಗೆ ಸದರಿ ಸನ್ನದು ಆಕ್ಷೇಪಣಾ ಸ್ಥಳದಲ್ಲಿದ್ದರೂ ಸಿ.ಎಲ್-7 ಸನ್ನದು ಮಂಜೂರು ಮಾಡಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವ ಬಗ್ಗೆ	ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಆಇ/01/ಇಪಿಎಸ್/2019, ದಿನಾಂಕ: 21.08.2019 ರಲ್ಲಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 8(iii) ರನ್ವಯ 05 ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ತಿಯನ್ನು ಸಂಚಿತ ಪರಿಣಾಮ ರಹಿತವಾಗಿ ತಡೆ ಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಿ ಆದೇಶಿಸಿರುತ್ತದೆ.
7)	ಇಸಿಇ/02/ ಹೊಸಪೆ/ ಡಿಎಸ್‌ಸಿ(2)/2014	1. ಶ್ರೀಮತಿ ಆಶಾಲತಾ, ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು, ಗದಗ ಉಪ ವಿಭಾಗ. 2. ಶ್ರೀ ಚಿದಾನಂದ ಎನ್ ಜನಾಯಿ, ಹಿಂದಿನ ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು, ಹಾಲಿ ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು 3. ಶ್ರೀ ಎಲ್.ಎ ಅದ್ವಾನಿ, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು (ಪ್ರಭಾರ) (ನಿವೃತ್ತರು) 4.ಶ್ರೀ ಎನ್ ರಾಮಚಂದ್ರಯ್ಯ, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಗದಗ (ನಿವೃತ್ತರು)	ಗದಗ ಜಿಲ್ಲೆಯ ಸಿ.ಎಲ್-4 ಹಾಗೂ ಸಿ.ಎಲ್-7 ಸನ್ನದುಗಳ ಷರತ್ತುಗಳು ಹಾಗೂ ನಿಬಂಧನೆಗಳನ್ನು ಪೂರೈಸದಿದ್ದರೂ ಸನ್ನದು ಮಂಜೂರಾತಿಗಾಗಿ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವ ಸಂಬಂಧ ಲೋಕಾಯುಕ್ತರಿಗೆ ದೂರು ಸಲ್ಲಿಸಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶಿಸ್ತು ಕ್ರಮ.	ನಿವೃತ್ತ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಚಾಲ್ತಿಯಲ್ಲಿರುತ್ತದೆ.

8)	ಇಸಿಇ/07/ಡಿಎಸ್‌ಸಿ (2)/ಮೈಸೂರು ವಿಭಾಗ/2019	1. ಶ್ರೀಮತಿ ಎಂ ರೂಪ, ಅಂದಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಮೈಸೂರು ಜಿಲ್ಲೆ. 2. ಶ್ರೀಮತಿ ಸ್ಮಿತಾ ರಾವ್, ಅಂದಿನ ಅಬಕಾರಿ ಉಪ ಅಧೀಕ್ಷಕರು, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ಕಚೇರಿ, ಮೈಸೂರು ಜಿಲ್ಲೆ. 3. ಶ್ರೀ ಎಂ ಮಹದೇವು, ಅಂದಿನ ಅಬಕಾರಿ ಉಪ ಅದೀಕ್ಷಕರು, ಮೈಸೂರು ಉಪ ವಿಭಾಗ. 4. ಶ್ರೀ ಶಿವಾನಂದ ಹಂದ್ರಾಳ, ಅಂದಿನ ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರು, ಮೈಸೂರು ವಲಯ–1	ಮ್ಯಾನೇಜಿಂಗ್ ಡೈರೆಕ್ಟ್ರ್ ದಿ ಏಟರೀಯಂ ಬೋಟಿಕ್ ಹೋಟೆಲ್ ಮೈಸೂರು ಇವರಿಗೆ 2018–19 ನೇ ಸಾಲಿಗೆ ನಿಯಮ ಬಾಹಿರವಾಗಿ ಸಿಎಲ್–7 ಸನ್ನದು ಮಂಜೂರು ಮಾಡಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವ ಅಧಿಕಾರಿಗಳು. ಸನ್ನದಿನ ಕಟ್ಟಡವು ಮುಖ್ಯದ್ವಾರದಿಂದ 43 ಮೀಟರ್ ಅಂತರದಲ್ಲಿ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ 275 ಹಾದು ಹೋಗಿದ್ದು ಹಾಗೂ ಸಿದ್ದಲಿಂಗಪುರ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 21,109 ಜನ ಸಂಖ್ಯೆ ಹೊಂದಿರುವುದಾಗಿ ತಪ್ಪು ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ ಸನ್ನದು ಮಂಜೂರಾತಿಗೆ ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವುದು.	ತಪ್ಪಿತಸ್ಥ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಚಾಲ್ತಿಯಲ್ಲಿರುತ್ತದೆ

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